the weekly
Standard

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BARACK OBAMA: HE'S NO FDR
FRED BARNES

DRONE WARS

Targeted killings are effective. They're also legal. Why won't the Obama administration say so?

BY KENNETH ANDERSON

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[1] Al Gore Speech at The George Washington University, Washington, D.C., November 5, 2009. These quotations are based on an audio recording provided by Politics and Prose, Washington, D.C., http://politics-prose.com.

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Targeting the CIA

While most of Washington was focused on the White House "Health Care Summit" on February 25, something far more interesting was underway on Capitol Hill. Republicans on the House Intelligence Committee showed up to work that day to find that a new provision—the "Cruel, Inhuman and Degrading Interrogations Prohibitions Act"—had been inserted in the bill that funds U.S. intelligence activities for 2010.

The 11-page amendment may have sounded inoffensive. But three things gave the game away: the sponsor (Representative Jim McDermott, who accepted a prewar trip to Iraq financed by Saddam Hussein's regime in order to rail against the United States); the method of inclusion (it was literally inserted overnight without one minute of debate in a "manager's amendment" that is attached to the bill without a separate vote); and the plain language of the provision.

It seems that McDermott, and the congressional Democratic leaders who assented to sneaking it in, are not satisfied with President Barack Obama's ban on enhanced interrogation techniques or the executive order he issued limiting interrogators to techniques in the Army Field Manual. There is very little good to say about Obama's moral preening on interrogations. It's clear from a variety of declassified materials released over the past year that the use of enhanced interrogations during the two Bush administrations prevented terrorist attacks and saved lives.

But at least Obama's directive was transparent and signed in front of cameras with the whole world watching. And the president didn't specify

Jim McDermott

prison sentences for interrogators who may want to test the bounds of the Army Field Manual. The McDermott amendment, by contrast, was an underhanded attempt to criminalize all sorts of interrogation techniques that fall well short of torture. Congressional Democrats wanted to make it easier for prosecutors to target intelligence professionals. Period.

So they sought to ban "prolonged isolation." What does that mean? Two hours? Ten? Twenty? Who knows?

And what about the ban on "depriving the individual of necessary food, water, sleep or medical care?" How much sleep is "necessary"? And "necessary" for what? If an intelligence professional is questioning a detainee and the prisoner says he's tired, will the interrogation have to be suspended? Who decides?

Also banned: Placing hoods on detainees for any reason. But the use of hoods is sometimes crucial to the safe transportation of hard core terrorists.

The contemplated punishment for such supposed transgressions ranged from a stiff fine and jail time to a sentence of life in prison. Would any CIA director allow his personnel to interrogate detainees under these rules? Unlikely.

The bottom line: The same political party that has taken more than a year to establish an interrogation group to question high-value al Qaeda detainees is stepping up its efforts to target the men and women we pay to protect us from those terrorists.

After strong denunciations from Michigan's Pete Hoekstra and other members, the amendment was pulled. The White House sought to distance itself from congressional Democrats. Tellingly, the White House objected not so much to the content of the McDermott amendment but to its encroachment on prerogatives of the executive branch. Dick Cheney lives. ♦

Stiffing the Falklands

The Scrapbook has a word of advice for our European friends: Be careful what you wish for. Case in point: Barack Obama. Since he was sworn into office last year, to worldwide acclaim, the 44th president of the United States has shown an astonishing predilection for cultivating our enemies (Iran, North Korea, Venezuela), appeasing the Putin regime in Russia, the People's Republic of China, and the Assad kleptocracy in Syria, and throwing our friends and allies (Poland, the Czech Republic, Honduras, NATO, Israel, the G-8, India, Germany, Italy, etc.) under the bus, or giving them the back of his hand—choose your metaphor.

The latest example is the State Department's pronouncement that the United States is strictly neutral on the question of British sovereignty over the Falkland Islands. "We are aware not only of the current situation," says a Department spokesman, "but also of the history, but our position remains one of neutrality. The U.S. recognizes the de facto U.K. administration of the islands but takes no position on the sovereignty claims of either party."

This not-so-rare instance of State Department bumptiousness is guaranteed not only to infuriate all sides in the British polity, but also to leave the inhabitants of the Falklands feeling a little nervous. After all, the

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"history" to which State eludes is the 1982 invasion by the brutal Argentine junta, and the "current situation" is the combination of threatening noises from Argentina's latest ruler—the erratic leftist Cristina Kirchner—and her best buddy in the hemisphere, Venezuelan dictator Hugo Chávez. In THE SCRAPBOOK's view, by pointedly refusing to support the British in this instance, the Obama administration is effectively siding with the unstable/hostile Kirchner regime and with Chávez.

The Falklands, it is true, are a collection of rocky, windswept islands in the south Atlantic populated largely by sheep and sheep farmers. But while Argentina lays claim to the Falklands, it has been under British sovereignty since the early 19th century, and the inhabitants of the Falklands have always made it overwhelmingly clear that they wish to remain British, not Argentine. Now that Kirchner and Chávez know that Barack Obama has washed his hands of this one, it is entirely possible that the Falklands war of 28 years ago could be repeated.

THE SCRAPBOOK has a theory about this. People used to wonder about Bill Clinton's tilt toward Gerry Adams and the IRA, and against the British, on Northern Ireland. But Clinton was a student at Oxford when the Troubles erupted (1968-70), and good leftists in those days tended to side with the IRA terrorists and against Great Britain. In April 1982, when the Argentine junta attacked the Falklands, Barry Obama was finishing up his junior year at Columbia, and once again, good leftists in those days sided with the Argentine generals against Margaret Thatcher's Britain.

American foreign policy, in other words, might well be held hostage in certain places to the youthful enthusiasms of our left-leaning presidents. This is only a theory, of course. But for the English-speaking, democratic-minded farmers in the Falkland Islands, as well as for our traditional allies around the world, let's hope its application is limited. ♦

Welcome the 'Jewish Review of Books'

We interrupt this SCRAPBOOK to bring you a public service announcement from our boss, William Kristol, to whom we defer on matters Jewish:

THE WEEKLY STANDARD is happy to welcome a new kid on the magazine block, the *Jewish Review of Books*, a print and web publication for serious readers with Jewish interests, covering new (and some old) books about religion, literature, culture, and politics.

The first issue's just out, and it's pretty spectacular (jewishreviewofbooks.com). In it you'll find articles that are high quality and thought provoking, engaging and unpredictable, lively and deep. Particularly striking in the first issue, I thought, was Hillel Halkin's brilliant reflection on the Jewish prayer book, using as its occasion the publication of the new Koren Sacks Siddur. It's an essay that will be of great interest not just to observant and non-observant Jews, but really to anyone who's puzzled about the question of prayer.

Also fascinating are Michael Weingrad's "Why There is No Jewish Narnia," Allan Arkush on Zionism, and Jon Levenson on the idea of Abrahamic religion—all great stuff.

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What They Were Thinking

The Dalai Lama, sent out via the service entrance after his February 18 meeting with Obama

A word for non-Jews: Don't be intimidated by the journal's title; take a look. As for my fellow Jews—if I may be presumptuous—you really have no excuse not to read it, and subscribe. So do so!

Madam Governor

Despite last week's decision by New York governor David Paterson not to seek reelection amid a brewing scandal (Paterson intervened on behalf of an aide accused of domestic violence), this doesn't mean the race will be a cakewalk for the presumed frontrunner, Andrew Cuomo. For standing in the way of the popular state attorney general (who has yet to formally announce) is Kristin Davis, who herself has a full understanding of the demands of the job. Known as the Manhattan Madam, Davis provided the call girls who fulfilled the various needs of former governor Eliot Spitzer.

According to a press release, "Davis will announce her intention to petition her way onto the ballot and will outline her platform," which includes, among other things, "legalization, regulation, and taxation of prostitution and marijuana to generate urgently needed new revenues for New York State." At least she has her priorities straight.

The Scrapbook wishes her the best of luck. But we can only guess what Davis's campaign slogan will be: "Get Your Money's Worth"? "Time Is On My Side"? Or perhaps something more selfless like "Serving the People of New York One Hour at a Time"? ♦

Sentences We Didn't Finish

'From the very beginning of the U.S. intervention in Iraq and the effort to build some kind of democracy there, a simple but gnawing question has lurked in the background: Was Iraq the way Iraq was (a dictatorship) because Saddam was the way Saddam was, or was Saddam the way Saddam was because Iraq was the way Iraq was—a collection of warring sects incapable of self-rule and only governable with an iron fist? Alas . . . " (Thomas L. Friedman, *New York Times*, February 24). ♦

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Dream Ticket

There's nothing like the grit and majesty of the Olympics, savored in sweatpants in front of the TV, to get you thinking about your own glorious sports moments.

I lived most of my life within blocks of perhaps the most tantalizingly tough ticket in all of sports—a ticket to the Duke/UNC basketball game at Duke's Cameron Indoor Stadium.

Unlike the venues of college football—vast bowls that boast upwards of 100,000 seats—the home of the Duke basketball team has a capacity of just over 9,000. Even Duke students have to camp outside the stadium in tents (a shantytown with Wi-Fi lovingly referred to as "Krzyzewskiville") for more than two months to get a ticket.

It's one of those rare sports venues that outlasted the notion it should be rebuilt just long enough that the idea of rebuilding became sacrilege. Without that stadium, there would be no Cameron Crazies, the place would be no legend, and Durham townies like me would have no dream.

The walls at my elementary school were painted Carolina blue. For six years, I refused to touch them. Mere contact with that cloying color would mean immediate ostracism. Blocks from Duke's campus, within wafting distance of air thick and sweet with the scent of pipe tobacco from the downtown factories, I grew up on what they call Tobacco Road.

In the early eighties, there was some confusion in my mind as to whether Duke coach Mike Krzyzewski, UNC coach Dean Smith, or Ronald Reagan was the president of the United States. From my perspective, they were all very important, dignified men who were on TV almost constantly.

I could imagine no greater gift in life than to attend a Duke/UNC game at Cameron. Perhaps it says something about my character that, even at the age of 6, when naïveté and ignorance of my athletic shortcomings would have allowed me to dream big, the pinnacle of my ambition was to *watch* a really great athletic event, not win one. A future Olympian, I was not.

Nonetheless, it was with the single-minded dedication of a highly trained athlete that I pursued my goal. When I was 7, Duke player Brian Davis came to my school and joked that none among us could spell the last name of Duke's legendary coach. I piped up, standing unbidden to recite the string of consonants with pride.

The author as a young fan

HAM FAMILY COLLECTION

Visions danced in my head of Davis running back to basketball practice to tell Krzyzewski of a little girl like none other, whose dedication to Duke basketball was so great and so deep that she could spell Krzyzewski. I beamed, sure that my ticket was in the mail. It was not.

By the time I was 9, it was clear I had to work harder. Every year, the Duke Children's Hospital held a holiday card contest, in which all the city's grade-schoolers competed. The prize was to have your art printed and sold as a Christmas card to benefit the hospital.

The awards ceremony would be presided over by none other than Coach Mike Krzyzewski. In pursuit of a personal audience, I began to color as I had never colored before, the markers becoming truly magic in my little hands.

When the winners were announced, my jolly skiing snowman was indeed among them, the judges being suckers for secular, seasonal anthropomorphism.

I received a framed copy of my card from Coach K, signed on the back with a personal message, and told the local news anchor through the whistle of buck teeth about my "artishtic prothessh." Surely, a ticket would be forthcoming, now. I had met the man himself and helped the children! But no. I never again heard from Coach K.

Several years later, my father came home with four tickets to the Duke/UNC game. He announced they were for him, my mother … and two Russian visitors from Durham's sister city. I cursed glasnost. Visions of Ivan Drago danced in my head, delivering his famous threat: "I must break you."

But I was not broken. I became mercenary, trying to buy tickets off the children of Duke professors for $100, which at the age of 13 was all the money I had in the world. Well-meaning parents with no understanding of the free market deemed the sacrifice too large for a young girl, forbidding their children to participate in this mutually beneficial transaction.

From that day to this, those tickets have remained mythical, as far as I'm concerned, but the dream will never die. On March 6, I'll once again don my sweatpants and enjoy my sports spectatorship via satellite, chanting from my couch with the best of them, "Go to Hell, Carolina! Go to Hell!"

Mary Katharine Ham

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Curb Your Exhilaration

"There is nothing more exhilarating than to be shot at without result." Republicans and conservatives have recently had reason to appreciate the truth of Winston Churchill's statement. President Obama and the Democratic Congress had a real shot at transforming American politics and public policy into European-style social democracy. When Obama spoke to Congress a year ago, on February 24, 2009, it certainly seemed he would have a chance to succeed.

Last week—one year later—he was on the defensive at his own health care "summit" thanks to the massive public hostility to his health care proposal.

What a difference a year makes.

Republicans deserve some credit. From the beginning of this Congress, GOP leaders kept their heads, staked out their positions sensibly, and held their members united in opposition to Obama's project. Meanwhile, conservative policy analysts and polemicists made the arguments against elements of that project more compellingly than might have been expected. But Republicans and conservatives don't deserve the bulk of the credit for stopping—or at least significantly slowing down—Obama before he was able to do as much damage as he intended.

Churchill, journalist and target during the Boer War

Who does?

(1) *President Obama himself.* As one wag commented, Obama turned out to be quite an effective community organizer. But the community he organized was a majority of the American people in opposition to his agenda of big-government liberalism.

(2) *Nancy Pelosi and Harry Reid.* Republicans, facing overwhelming majorities in both houses of Congress, should thank their lucky stars to have squared off against an ideologically blinkered speaker of the House and a short-tempered, incompetent majority leader of the Senate.

(3) *Conservative and independent grassroots activists.* It's this simple: No Tea Parties, no defeat of Obamacare. It wasn't just the practical and political effect of the demonstrations across the nation. It was the example of people not being intimidated by elite opinion, the example of their willingness to fight what was supposed to be an inevitable new era of liberal big government, and the enterprise that self-generating and self-organizing activists showed in resisting the Obama agenda. A year ago, Republicans were confused and conservatives dispirited. The Tea Parties did more than anyone else to change this. For all that may be problematic about some aspects of this new activism, the fact remains that the Grand Old Party owes Tea Partiers much more than they owe Republicans—which is why the condescension of some GOP elites toward them is not only unseemly but foolish.

(4) *The American people.* The voters took control of Congress away from Republicans in 2006 and took the White House away in 2008. But despite the financial crisis, they didn't fall for the siren song of much bigger government. Despite their wish for the new president to succeed, they didn't succumb to the temptation—or to the urging of liberal elites—to give him a blank check. Rahm Emanuel's remark just after the election—you never want to let a serious crisis to go to waste—cynically assumed that the American public could be easily manipulated. Instead, Emanuel's dimestore Machiavellianism may have doomed the Obama presidency. Conservatives should learn the lesson of Emanuel's failure and reaffirm their faith in the wisdom of the American people.

So we've, at least for now, dodged the bullet. It's exhilarating. But now comes more hard work. In Virginia and New Jersey last year and in Massachusetts in January, Republicans went on the offensive. They need to stay on the offensive, overcoming their natural stolid conservatism. They need to welcome upstart candidates and unorthodox political strategies. They need to be open to new formulations of issues. In the pages of newspapers and magazines, conservatives have begun to lay out sensible and appropriately modest (as befits a congressional-year election) policy proposals that contrast with the Democrats'. This needs to be pushed ahead, steadily and relentlessly, through November 2010.

Then the big task of 2011: framing a post-financial crisis, post-Obama governing vision for the country. And then the task of 2012: finding a candidate, and winning the chance to govern. All of that lies ahead. For now, a little exhilaration is in order. But only a little.

—*William Kristol*

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He's No FDR

Barack Obama's shrinking presidency.

BY FRED BARNES

JASON SELER

President Obama spent seven hours last week acting like a committee chairman, not a president. Rather than preside over the nationally televised health care "summit" of Democratic and Republican members of Congress, Obama was a participant. He big-footed Democrats and responded to Republican statements himself. He talked and talked and talked, considerably more than anyone else and for a total of two hours. When Obama delivered a concluding monologue, the TV cameras panned to a drowsy and bored group of senators and House members, the Republicans especially.

Fred Barnes is executive editor of THE WEEKLY STANDARD.

Did Obama lower the presidency to the level of mere legislator? Perhaps. But I think Obama's behavior at the summit answers a separate question, one that's lingered since he was elected more than 15 months ago. Is Obama the new FDR? The answer is no.

If Franklin Delano Roosevelt were president today, the summit never would have happened. As the top priority on his agenda, liberal health care reform would have been enacted already. For Obama, the summit was a last-gasp attempt to revive his moribund legislation. More than likely, it will fail.

The reason is tied to what is probably the greatest difference between FDR and Obama. Roosevelt took command of Washington. Obama hasn't. "FDR became the father of the modern presidency by moving the Chief Executive to the center of the American political universe," John Yoo writes in his new book on presidential power, *Crisis and Command*. "Roosevelt's revolution radically shifted the balance of power among the three branches of government."

Obama has weakened the presidency and strengthened the power of Congress—a shift in the other direction. FDR seized legislative authority. The bills that Congress passed in his first 100 days and beyond were produced by the Roosevelt administration and ratified reflexively by Congress. There's a reason you probably don't know who Henry Rainey and Joe Robinson were. They were rubber stamps, Rainey as House speaker, Robinson as Senate majority leader.

But in Obama's Washington, Speaker Nancy Pelosi and Majority Leader Harry Reid are powerhouses. The job of actually writing bills—the economic stimulus, health care, cap and trade, the omnibus appropriation—was turned over to them and their colleagues. To put it more bluntly, Obama has abdicated where FDR ruled like a king (at least in his first year in the White House).

Roosevelt's strategy worked. Obama's hasn't. The FDR agenda passed, though the Supreme Court later struck down important parts of it. Except for the stimulus, Obama's top priorities haven't passed. FDR moved on, in 1935 and 1936, to getting the so-called Second New Deal (Social Security, the National Labor

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Relations Act) enacted. Obama's future looks less rosy.

It's clear that Roosevelt had an ambitious vision and a far more expansive idea of the presidency than Obama has. When I first heard the tale that Obama had told congressional Democrats to write the bills and he'd sell them, I thought it was apocryphal. Now I'm not so sure. Obama seems to see presidential power as purely rhetorical.

Two appealing aspects of Roosevelt's public style have not been duplicated by Obama. He hasn't come close. "In contrast to presidents who inundate the nation with words, Roosevelt rationed his broadcasts," writes presidential historian Fred Greenstein in *The Presidential Difference*. He gave four fireside chats his first year, then fewer. In a letter cited by Greenstein, FDR said "the public psychology cannot be attuned for long periods of time to a constant repetition of the highest note in the scale."

Obama, in contrast, talks incessantly on practically any subject. He was interviewed at halftime of the recent Duke-Georgetown basketball game on—you guessed it—basketball. He has debased the value of the "exclusive" interview with the president by granting so many. Obama is ubiquitous, and always talking. He's lost his connection with millions of Americans, who've tuned him out. He's sparked a political backlash. FDR didn't until his second term.

Then there's the mystery of FDR the man. "The man behind the style was an enigma," Greenstein writes. This created a mystique and enhanced his influence. Obama is relatively transparent and has less clout. When he tries to promote a deal in public or intimidate an opponent—he tried both at last week's summit—he comes across as a bossy senator or chief of staff.

To Obama's credit, he hasn't claimed to be the reincarnation of FDR. At a fundraiser last year, he said he'd put his "first four months (in office) up against any prior administration since FDR." The "since" gets Obama off the hook. The FDR issue has been raised mostly by friendly liberals in the media.

It's an unfair comparison. Roosevelt's reputation for imposing a liberal makeover on America is impossible to match. But Obama has tried. And in one significant way he's been successful. Like FDR, he's broadened the size and scope of the federal government. Should his health care and cap and trade bills pass, along with the authority to seize any financial institution whose collapse would be "a systemic risk" to the economy, Obama would put himself in FDR's class as a supersizer of Washington's power. He's not there yet.

By following another Roosevelt example, Obama has bought trouble. FDR thought government spending would spur economic recovery. It didn't. And his surge in regulation and tax increases actually impeded economic growth and job creation.

So, too, with Obama. Same policies, same result. Yet he appears puzzled why there were 4 million fewer jobs in the country after a year of his presidency. Liberal critics such as economist Paul Krugman insist FDR's stimulus wasn't large enough and neither is Obama's. Conservatives believe Obama's policies are wrong, and what works are across-the-board individual and corporate tax cuts. Either way, Obama comes up short.

For Obama, the most brutal disparity between him and FDR is likely to come in November. After the Democratic landslide of 1932, Democrats won still more seats in Congress in 1934. In this year's midterm congressional elections, that's an outcome Obama can only dream about. ♦

Not the One They Were Hoping For

Bliss it wasn't in that dawn to be alive.

BY MATTHEW CONTINETTI

Ignore his age. Barack Obama, 48, is the first Millennial president. He embodies the politics and values of the Millennial generation—the 50 million Americans today between the ages of 18 and 29. This makes him a leading indicator of the shape of our politics over the next 40-plus years. But Obama also exposes the weaknesses of this sheltered group as it encounters generational, institutional, and ideological obstacles. The results? Disillusionment, disapproval, and the passing of the liberal moment.

A new report from the Pew Research Center, "Millennials: A Portrait of Generation Next," shows that the Millennials have been trending Democratic for some time. Why? Dislike of George W. Bush. Iraq made them dovish. By 2004, they had turned against the war. And Millennials are social liberals. They typically do not affiliate with established churches. They are far more open to gay rights and same-sex marriage than earlier generations.

So the Democratic share of the Millennial vote grew from 2004 to 2006 to 2008—when they backed Obama two-to-one over John McCain. Millennials were Obama's strongest age group. Older adults were split, 50-50. According to Pew, "This was the largest disparity between younger and older voters recorded in four decades of modern Election Day exit polling."

No mystery why: The 2008 cam-

Matthew Continetti is associate editor of THE WEEKLY STANDARD *and the author, most recently, of* The Persecution of Sarah Palin *(Sentinel Books).*

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paign pitted a young, charismatic, African-American Democrat against a 72-year-old white Republican who doesn't use a personal computer. It did not matter that McCain was a war hero: Since 1992, four veterans have been nominated for the presidency—George H.W. Bush, Bob Dole, John Kerry, and McCain. All lost. The American electorate is increasingly estranged from the military culture. Only 2 percent of Millennial males have joined the armed forces. This is the lowest proportion of any extant generation.

Obama was the perfect vehicle for Millennial aspirations. His ethnicity squares with Millennial diversity. His association with the academy—*Harvard Law Review*, the University of Chicago—is a plus for what likely will become the most educated generation in American history. His politics mirror the Millennial confidence in government and willingness to identify as "liberal." His campaign embraced social media like Facebook, MySpace, YouTube, and text messaging. If you ask a Millennial what makes the generation unique, technology is the most likely reply.

Above all, Obama said he would transcend partisanship and division and forge a new consensus of "change." Such words are catnip for an optimistic generation that does not like conflict. Pew found that Millennials, despite coming of age during the Great Recession, are confident about their economic future and more satisfied than their elders with the direction of the country. And while they are the most tattooed and pierced generation in American history—close to 40 percent have at least one tattoo and close to 25 percent have a piercing somewhere other than their earlobe—Millennials are not rebels. Their top three priorities? Being a good parent, having a good marriage, and helping those in need.

Millennials say that older Americans have better values. Hardly anybody believes the generations are in conflict. Parents report having fewer arguments with their children. Growing up today, the 76-year-old Holden Caulfield would feel out of place. Active, social, and happy, Millennials have no time to complain about "phonies." No time for the old arguments.

And there's the rub. The 2008 campaign may have been the year when Millennial qualities pushed Obama over the top. But 2009 was the year when the Silent, Boomer, and Gen X cohorts reasserted their dominance. Obama outsourced his top priorities to the Democrats in Congress, leaving them in the hands of partisans who do not care about bipartisan cooperation and political harmony. Who wrote the stimulus, cap and trade, and health care bills? Folks like Nancy Pelosi (69), Harry Reid (70), David Obey (71), Henry Waxman (70), John Kerry (66), and Max Baucus (68). And who is driving public opposition to Obama's health care reform? American seniors.

The thrill is gone: Young voters are no longer as enthusiastic.

Millennials are frustrated, too, by the slow pace with which Obama has enacted his agenda. They are an On Demand generation. They are used to getting what they want instantly or close to it, from iTunes and FedEx packages to fast-food meals and Starbucks. They communicate effortlessly through texts, instant messaging, Skype, Twitter, and Facebook. But the government does not work this way. Our system is filled with checks and balances and minority protections to ensure the maximum possible deliberation and compromise—and to frustrate temporary and passionate majorities from enacting massive overhauls with uncertain consequences.

But what has most stymied the Millennial ascendancy is the persistence of ideological conflict. These consensus-seekers have found just how tenacious disagreement over values can be. Turns out the proper size and scope of the federal government is a value, too. Americans have now elected three consecutive presidents—Clinton, Bush, and Obama—who have promised to transcend old divisions and govern from the middle. And in each case, those hopes were dashed within months of Inauguration Day. Millennials are blocked. Their time is not yet.

Will it ever come? Of course. But it won't necessarily be the liberal renaissance some pundits dream of. Over the last year, the proportion of Millennials who lean Democratic has dropped to 54 percent from 62 percent. Obama's job approval among this group has also dropped, to 57 percent from 73 percent. So they are still on the liberal-Democratic side of things, but less so. And that may be the trend. As generations mature, marry, and multiply, they tend to grow more conservative. One of the reasons the Millennials are so liberal and Democratic is that so many of them are single and childless: Only 12 percent are married with children.

And if the Republicans embrace youth, technology, and diversity while emphasizing a free-enterprise agenda, they may be able to persuade Millennials that the Democrats do not have all the answers. In retrospect, the 2008 election might one day be seen not only as a harbinger of future politics, but as the moment when Millennial support for the Democrats peaked. The moment when great hopes crashed against rock-hard political and social realities. When a generation woke up.

This won't all be Obama's fault. After all, he's a Millennial guy trapped in an old man's town. ♦

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No We Can't

Obama's vanishing charisma.

BY JOHN H. CHETTLE

One casualty of the serial crises confounding American politics of late is President Obama's charisma, heretofore seemingly one of his greatest assets. As *Politico* pointedly asked, "Obama's charisma: Where did he leave it?" Pundits and commentators have even raised the question of whether he might after all be "just another politician."

But the more pressing question, given that the president has at least three more years in office, is whether Obama can fill this sudden charisma vacuum. Can he get his mojo back?

The best answer may lie in the writings of the sociologist Max Weber, who died nearly 90 years ago. Weber famously introduced the concept of charisma into sociology, and his theories have an almost uncanny relevance to the present American scene.

By "charisma" Weber was referring mainly to the quasi-magical qualities of the great religious leaders, but also the "exceptional qualities" of leaders like those in politics. Charisma was, he wrote in a series of papers published under the title *On Charisma and Institution Building*, difficult to maintain, particularly in a democracy, where it was often based on mere "short-lived mass emotion."

It took time for Barack Obama to generate that emotion. He may have excited the 2004 Democratic Convention with his keynote speech, but at the start of the 2008 campaign, his experience was something else. In an early appearance, he joined other Democrats to reenact Bloody Sunday in Selma, crossing the Pettus Bridge, arms linked, in commemoration of the famous civil rights march. After the ceremony, Obama waited, cramped and perspiring, in his small plane on the tarmac at Selma while his pilot struggled to jump-start a dead battery. Two large motorcades, meanwhile, swept Bill and Hillary Clinton onto the airfield to their two waiting Gulfstream jets.

Obama began to attract large crowds, particularly after he won the Iowa caucuses, but it took a crisis—as Max Weber wrote that it usually does—to unleash the phenomenon. The economic meltdown, late in the campaign, created the urgency that triggers the search for a savior. To some supporters he seemed to be, in Weber's phrase, 'a gift of God.'

Obama began to attract large crowds, particularly after he won the Iowa caucuses, but it took a crisis—as Weber wrote that it usually does—to unleash the phenomenon. The economic meltdown, late in the campaign, created the urgency that triggers the search for a savior. The fact that Obama was an African American lent poignancy to the search. Many, even among his opponents, wondered whether he might be the instrument of a new racial reconciliation. To some supporters he seemed to be, in Weber's phrase, "a gift of God."

How fleeting that impression proved to be. "Conflicts that were supposed to be transformed by his magic are immune to his magic," wrote Leon Wieseltier recently in the *New Republic*. "He has no magic. There is no magic." "The animating spirit that electrified his political movement," wrote *New York Times* columnist Maureen Dowd, "has sputtered out."

But this is the perennial problem of the charismatic leader. To maintain his charisma, Weber argued, a leader must continually prove himself. "If he wants to be a prophet," Weber wrote, "he must perform miracles." And—in a passage relevant to Obama's Afghanistan policy—"If he wants to be a war lord he must perform heroic deeds." Similarly, if he wants to be a great president, it is not enough to announce transformative plans, he must achieve them. If he wants to be a great peacemaker, he must make peace. Charisma needs to be stoked by continual success.

Obama's problem may be one his opponents pointed to during the campaign, a lack of substance. Like many candidates for president, though more successfully than most, he pretended that the world could be made anew, that the passion generated at his rallies could be carried over into the sober business of government.

Weber saw that the charismatic leader who emerged in a democracy was likely to be the individual "who is the most spectacular, who promises the most, or else employs the most effective propaganda." His promises would be utopian and therefore impossible to achieve. "Even in America," wrote Weber dryly, political charisma "has not always come up to expectations."

It is hard to see Obama's objectives as other than utopian: a health care policy that extends coverage to tens of millions but doesn't cost more; a carbon emissions policy that cuts emissions by 17 percent in ten years, and by 83 percent by 2050, without damaging the economy or causing further job loss; and huge spending that requires no additional

John H. Chettle is a former Washington lawyer who teaches history and is writing a book entitled What Do Presidents Read? And Why It Matters.

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taxes from the middle class. To quote George Will's summary judgment: "This. Will. Not. Happen." Actual change, Weber noted, is greatly dependent on the objective forces of the market.

Obama's foreign policy seems to have been designed at Hogwarts. It was courageous of the president to send a further 30,000 troops to Afghanistan, but he undercut that move by announcing he would start bringing them back in 18 months, soon after the last of the reinforcements are deployed. He wants to stop Iran from developing a nuclear weapon and North Korea from proliferating. He wants to make peace between the Israelis and the Palestinians, a laudable aim pursued by the last 11 U.S. administrations. No quick triumphs visible in this lot.

Somehow, while pursuing these missions improbable, the charismatic leader must retain the devotion of his followers. Today, with the president's approval rating below 50 percent and even leading Democrats conceding the possibility that the Republicans may regain control of both houses of Congress in 2010, Obama's supporters are increasingly nervous.

To a charismatic leader in such a predicament, Weber offered advice that is surprisingly contemporary. The leader should give bureaucratic form to some part of his vision and thus "routinize" charisma, as Weber put it. Bureaucracies, he argued, are almost impossible to dislodge. This may be part of the reason for the haste with which Obama is pursuing health care in the midst of a recession. Once some Obama health reform is in place, it will be there for good.

But how in the meantime is Obama to propitiate his base? If his leadership fails to benefit them, his charismatic authority will dwindle further. Weber's advice was simple: Raise taxes on your opponents and give the benefits to your followers. Obama and his congressional supporters are right on script: Repeal the Bush tax cuts. Raise the capital gains tax. Restore the estate tax. Enact a health care tax on couples earning more than $250,000, plus a Medicare payroll tax surcharge, a tax on generous health plans, even a war surtax.

But here Weber issued a warning: Some followers of the charismatic leader must be allowed to avoid these "irksome taxes." They should be allowed to become what Weber called the "priests" of the developing "church." So it is that by a wave of the hand, Senate Majority Leader Harry Reid exempts the good people of Nevada—and several other states lucky enough to have priests with close access to Father Harry—from onerous health charges for five years. And Barney Frank, distressed that some of the car dealerships in Massachusetts should get the heave-ho from General Motors or the car czar, sees to it that their place in the church is also respected.

Weber counseled further that the priestly power to protect favored followers belongs "to all who participate in the process of appropriation." Writing nearly a century ago, he can hardly be blamed for failing to foresee that the chairmen of the subcommittees of the all-powerful Appropriations Committee of the House of Representatives would be known not as "priests" but as the "College of Cardinals." Theirs, Weber wrote, is "the type of prestige earned by ruling groups." And for anyone who may harbor doubts about the seemliness of all the rewards funneled to contributors, lobbyists, buddies, state-mates, union leaders, altar-boys, acolytes, and assorted hangers-on—rewards that the charismatic candidate vowed to get rid of—Weber offered this assurance: It is a process "very conspicuous in Buddhism and in the Hindu Sects."

But the trouble is that a deficit likely to grow by at least $7 trillion over the next ten years is uncontrollable. Every major entitlement—Social Security, Medicare, and Medicaid—has ended up costing vastly more than first projected. Yet we solemnly repeat the calculations of the Congressional Budget Office as if its past predictions had actually meant something. We overlook the fact that the priests are always ready with further promises.

And there's the rub. Despite Obama's promise that 98 percent of Americans would get a tax cut, polls show that virtually everybody expects higher taxes, from seniors paying more to heat their homes, to young workers paying a penalty if they don't have health insurance. As voters are fast learning, charisma, like most "free gifts," comes at a hefty price. And voters are showing an increasing restiveness about paying.

We should be very grateful that political charisma has so short a shelf-life in the United States. Judging by our media, there would seem to be no country more hospitable to charisma—especially where charisma is uncontroversial, as in the case of its cousin, celebrity. Our curiosity about the lives, loves, and looks of the famous and infamous is insatiable. But where charisma impinges upon our own lives and interests, there is no country more searching and skeptical.

The Founding Fathers lived in a period when charisma as we know it hadn't been invented, yet they designed a system that could hardly be more hostile to charismatic government. With their checks and balances, their power ranged against power, their suspicion of unchecked authority, their deliberative process, they seem to have foreseen the perils of charisma. They understood the dangers of "short-lived mass emotion" to which democracies have always been exposed.

It is a reassuring conclusion. If President Obama is to achieve any portion of his objectives, he will have to do it the old-fashioned way, by persuasion, by negotiation, by a focus on the attainable—yes, even by Harry Reid's horse-trading—and not by charisma. ♦

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The Cubanization of Venezuela

Castro works to keep Chávez in power and the cheap oil flowing. BY JAIME DAREMBLUM

Anti-Chávez protestors in Caracas, January 2010

NEWSCOM

The Cubanization of Venezuela began a long time ago, but it took another large step in early February, when Cuban general Ramiro Valdés arrived in Caracas to serve as a government consultant. Valdés, 77, has been one of the most brutal enforcers of the Castro regime, beginning in the 1960s when he was responsible for crushing popular protests over energy-use restrictions. He established Castro's ruthless G2 intelligence service and is currently number three in the Cuban hierarchy.

According to Venezuelan president Hugo Chávez, Valdés and his retinue are there to help the South American country solve its dire electricity crisis. Cuba has been experiencing major electricity problems for 50 years, so it's unclear just what assistance its advisers would be able to provide on energy policy. (Writing in the Venezuelan newspaper *El Universal*, journalist Nelson Bocaranda noted that the Cubans have actually damaged several Venezuelan power generators.)

And Valdés is no energy expert. He *is* an expert in managing the repressive organs of a police state. He's been sent to Venezuela to help Chávez suppress the popular revolt and further consolidate his autocracy. It's part of a broad Cuban effort to prop up the Bolivarian revolution and ensure that Chávez keeps providing the Communist island with generous shipments of cheap oil.

Havana has good reason to be worried about Venezuelan stability. Recent months have seen massive anti-Chávez demonstrations, with tens of thousands of angry Venezuelans filling the streets to complain about, not just electricity shortages, but also water rationing, high crime rates, runaway inflation, corruption, and the erosion of democracy. Venezuela is suffering from a lengthy drought, which isn't Chávez's fault. But the rest is. As Venezuelan exile Gustavo Coronel has written, "For the last ten years the infrastructure generating both hydroelectric and thermal electricity in the country has been badly neglected, in favor of Chávez's demagogic programs of handouts to poor Venezuelans and to friendly politicians in the region."

Anti-Chávez protestors have been wearing T-shirts emblazoned with a blunt message: "3 Strikes: Blackouts, Water Rationing and Crime. Chávez, You've Struck Out!" On January 9, Chávez announced that he was devaluing the bolívar (Venezuela's national currency) and vowed to use the military to prevent price increases. Venezuela already has the highest inflation rate in Latin America—Morgan Stanley projects it will rise to 45 percent this year—and its economy is crumbling under the weight of Chávez's "21st-century socialism."

A few weeks ago, several former Chávistas (referring to themselves as the "Constitutional Axis") published a letter that enumerated these problems, noted that the Venezuelan president has failed to address them, and called on him to resign. The letter denounced Chávez as "autocratic" and "totalitarian" and argued that he "has neither moral nor material authority to rule the country, since he can not meet people's demands satisfactorily." One of the signatories, Raúl Isaías Baduel, was Venezuelan defense minister from 2004 to 2007. He has been in prison since 2009 as punishment for opposing Chávez. Two others, Yoel Acosta and Jesús Urdaneta, helped Chávez spearhead an unsuccessful military coup in the early 1990s.

The letter lamented that Venezuelan institutions have been "distorted by the incursion of outside elements." They meant the Communist apparatchiks sent from Cuba. According to the Spanish newspaper *La Vanguardia*,

Jaime Daremblum, who served as Costa Rica's ambassador to the United States from 1998 to 2004, is director of the Center for Latin American Studies at the Hudson Institute.

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about 30,000 Cubans hold posts in dozens of ministries, state bodies, and public enterprises. Cuban officials now occupy senior positions in the Venezuelan armed forces and secret police. The *Economist* reported that Cubans "are helping to run Venezuela's ports, telecommunications, police training, the issuing of identity documents and the business registry." In January, Venezuelan vice president Ramón Carrizales and his wife, Yubirí Ortega, the environmental minister, both resigned in protest at the increasing Cubanization of the military.

Cuba's Communist rulers—including 83-year-old Fidel Castro, who is still very much in control—have been unnerved by the growing unrest in Venezuela and the possibility that the Chávez regime could be headed for collapse. The Cuban government is utterly dependent on Venezuelan oil subsidies. Chávez currently sends Cuba more than 36 million barrels of subsidized oil a year—roughly half of all that Cuba consumes. The oil subsidies include de facto payments for the tens of thousands of Cubans working in Venezuela. Havana's strong support for Chávez is driven far more by economic necessity than leftist ideology. Without Chávez, the weak Cuban economy would collapse and the Castro regime along with it.

Preserving the Bolivarian strongman is thus a top priority for Havana, which is why the Castro brothers have been flooding Venezuela with highly accomplished practitioners of repression and censorship. Chávez is relying on them to fortify his revolution. With each passing day, the two countries become more and more interdependent, and Venezuela gets more and more Cubanized.

Does the Chávez-Castro relationship affect American foreign policy? As the U.S. intelligence community notes in its 2010 threat assessment (which Dennis Blair presented to Congress in early February), the Venezuelan and Cuban governments—along with their allies in Bolivia, Ecuador, and Nicaragua—"are likely to oppose nearly every U.S. policy initiative in the region, including the expansion of free trade, counterdrug and counterterrorism cooperation, military training, and security initiatives, and even U.S. assistance programs."

But even if Valdés and his henchmen help stabilize Venezuela in the short term, they can't undo the heavy consequences of Bolivarian socialism. Surveys show that Chávez is increasingly unpopular; he will grow even more so if the electricity and water shortages persist. Venezuela's infrastructure is crumbling, as is its public health system. Crime has reached unimaginably high levels—especially in Caracas—and inflation is having a devastating impact on the economy.

Yet Chávez aggressively plows forward, aiming to create a Cuban-style dictatorship. And what is the response from Latin America's democratic leaders? Silence. Rather than stand up for democracy, most have stayed quiet and sought to accommodate a dangerous autocrat. In that sense, they bear a share of responsibility for what is happening in Venezuela. ♦

Do Mention the War

Germany and Greece go to the mattresses.

BY ANDREW STUTTAFORD

Tolstoy was wrong. Every unhappy family is not unhappy in its own way. Scratch the surface of a foundering relationship, and you'll often find that money is, if not the sole source of the misery, undeniably the most poisonous. This is certainly true within the "ever closer" family that the European Union is meant to be. Some of the EU's most savage fights have been about cash, an awkward fact that can equally be read as underlining just how far from familial this most unnatural of unions really is. The different nations of the EU remain, emotionally at least, nations. They continue to be foreign to each other. And who wants to give their money to a bunch of foreigners?

German newsweekly 'Focus': 'A swindler in the Euro-Family'

Andrew Stuttaford, who writes frequently about cultural and political issues, works in the international financial markets.

So it shouldn't be any surprise that Germans are infuriated at the thought of having to stump up for a rescue of Greece's Augean state. Their own economy is faltering. They have held back labor costs for years. They have, often painfully, maintained budgetary discipline. That's not the way it's been in Greece. With Greek government debt at 125 percent of GDP, a budget deficit of 12.7 percent, and distinctly shaky public support for any sort of austerity program, there is little, beyond beaches, about that country to appeal to citizens of the thrifty Bundesrepublik. Opinion polls show that over two-thirds of Germans reject the idea of contributing to a Greek bailout, and the venom with which that opposition is expressed suggests that exasperation has drifted into contempt.

To give more money to the Greeks

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would be akin to giving schnapps to an alcoholic, argued Frank Schaeffler, deputy finance spokesman for the Free Democrats, the junior partner in Germany's governing coalition. *Focus* magazine ran a cover story on "The Fraudster in the Euro-Family" (a reference to the more creative aspects of the Greek government's accounting) and illustrated it with the Venus de Milo, one-armed and flipping the bird. The tabloid *Bild* raged at the "proud, cheating, profligate" Greeks. A writer for the rather more heavyweight *Frankfurter Allgemeine Zeitung* asked whether Germans should have to retire at 69 rather than 67 to pay for Greek workers striking against proposals to increase their retirement age from 61 to 63. The mood in Germany was not improved by Greece's deputy prime minister. Stung by all the criticism of his country, he grumbled that, having made off with Greece's gold during the war, the Germans were in no position to complain "about stealing and not being very specific about economic dealings."

Germany has long paid the largest share (currently around 20 percent) of the cost of Europe's trudge towards union. Its annual payments into the EU now exceed what it gets back by over $10 billion. In part this has been viewed as a fair price for Germany's readmission into polite society. It was also an expression of the once widespread belief—deluded if understandable—among Germany's political class that an ersatz European patriotism could take the place of the German nationalism that had turned out so unfortunately just a few years before. Over six decades after Hitler perished in his bunker, however, these arguments are running a little thin.

Making matters worse is the debt (in all senses) that the Greek crisis owes to the establishment of the euro, the single currency for which German politicians ignored their voters and junked the deutsche mark in a two-stage process ending in January 2002. The deutsche mark had been one of the great successes of postwar Germany, a symbol of renewed prosperity and bulwark against any return of the hyperinflation that stalks that country's historical memory. But, to those that counted—i.e., not German voters—the European Union mattered more. The deutsche mark perished, and the economic and budgetary rules—the Maastricht Criteria—designed to preserve the integrity of its successor (and reassure the twitchy German electorate) have not been kept in much better shape.

The new currency proved both an enabler of Greece's profligacy and an agent of its economic troubles—a double whammy not confined to Greece. From the first, the euro's interest rates were primarily determined by economic conditions in the eurozone's core—Germany, the Benelux, and France—which meant that rates were too low for the nations on the periphery. One size did not fit all. The low interest rates fueled inflation, speculative bubbles, and, in some cases, exces-

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sive government borrowing in Portugal, Ireland, Greece, and Spain, the four "PIGS" in the financial markets' insulting jargon. (You're welcome to throw in another I for Italy.) The usual response to disruptions of this nature is devaluation. Signing up for a single currency, however, has removed that option.

Despite German voters' hopes, this mess cannot safely be confined within the PIIGS' sties. Drastic austerity programs by the debt-struck might in theory do the trick—although the wisdom of this is debatable at a time of deeply depressed domestic demand—but to succeed they require a degree of consent. Consent, however, is not the message that all those Greek strikes are delivering. So far, Brussels appears to be resting its hopes on the idea that talk of austerity, promises of support, and the prospect of closer economic supervision will be enough to persuade markets to keep funding the PIIGS' budget deficits. Greece will for now be the sharpest test of that idea, but ultimately the country will not be allowed to fail. Even if it did not destroy confidence in the surviving PIIGS, a Greek collapse would, just as a start, trigger mark-to-market downgrades across the battered balance sheets of Europe's largest financial institutions. German banks, for instance, have loaned the equivalent of 20 percent of their country's GDP to the PIIGS, and their French counterparts even more.

Throwing Greece out of the eurozone might be emotionally satisfying (over half of German voters are in favor, though it probably isn't even legally possible), but inevitably the result, pushing the country into default, would achieve nothing constructive. What would make sense is for Germany and the other countries at the eurozone's core to abandon the currency. The euro would slump, giving the nations that still use it the devaluation they so badly need. But that's not going to happen either. The European elites have sunk too much political capital into the single currency to give it up now. They will plough forward regardless of the current crisis. If the logic of that course provides the rationale, or at least an excuse, for the even deeper EU integration that most European voters do not want, then so much the better.

But the opinions of the electorate no longer count for that much anywhere within the EU. With feelings running as they are in her country, Chancellor Angela Merkel has to be seen to be talking tough and doing everything she can to avoid Germany being stuck with the Greeks' bills. At one level she may mean it, but she knows it is just theater. Merkel will huff and Merkel will puff, but she will not risk bringing down what is left of Athens's ruins. If a rescue party has to be put together, Germany will be a prominent part of it.

To be fair, it's not all bad news for Germany. If Greece is indeed bailed out by some or all of its EU partners, the longer-term impact will be both to weaken the euro (which will help Germany's important export sector) and, by preserving the eurozone as it is, keep many of Germany's competitors *within* the eurozone most helpfully hobbled. The combination of higher levels of cost inflation, lower levels of efficiency, and a shared, hard currency has eroded much of the price advantage that was once the main selling point for the industries of Europe's less-advanced economies. It is estimated that the PIIGS would have to devalue by more than 30 percent to restore their competitive position against Germany, a situation that is only going to get worse.

Like so much to do with Brussels's strange imperium, this story is a lot less straightforward than it first appears. ♦

On Eagle's Wings

A local celebrity aims to oust a freshman Democrat in New Jersey. BY JONATHAN V. LAST

Jon Runyan is no-nonsense. Just what you would expect of a former NFL offensive lineman. When he was signed by the Philadelphia Eagles in 2000, he didn't take up the celebrity life. He bought a 23-acre farm in nearby Mount Laurel, New Jersey. When a *Philadelphia Inquirer* reporter came calling and asked him what he planned to do with the cows on his land, Runyan replied: "I'm going to raise them as beef cows and have them slaughtered."

Runyan and his wife, Loretta, have three children. They attend a local Quaker school where Loretta became friendly with another mother, Dawn Addiego, a Republican state assemblywoman. Last November, Addiego asked Loretta if she thought Runyan might be interested in running for Congress from Jersey's 3rd District. Loretta said she'd pass the idea on to her husband, which is how Jon Runyan, 36 and only recently retired from professional football, comes to be the GOP's best chance for a congressional pickup in New Jersey.

New Jersey's 3rd District is traditionally Republican, but has been competitive in recent years. Al Gore took the district 54 to 43 in 2000; George W. Bush edged John Kerry 51-49. In 2008, Barack Obama took the 3rd by 5 percentage points, far behind the 15-point margin by which he carried the state as a whole. With Republican Jim Saxton—who had been in Congress since 1984—retiring, the Obama wave was enough to carry Democrat John Adler to victory.

Adler had spent 20 years climbing the ladder of South Jersey politics, first as a town councilman, then with a failed run at Saxton's seat in 1990,

Jonathan V. Last is a senior writer at THE WEEKLY STANDARD.

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and finally as a state senator. In 2008, the Harvard-educated, Cherry Hill lawyer outspent his Republican opponent nearly 3-to-1 and captured the vacant seat by about the same margin as Obama carried the district.

The 3rd District is the kind of marginal seat that can be vulnerable when times are bad for the party in power. That times are bad became clear in November's gubernatorial election, when Republican Chris Christie carried the district by 20 points—a 25-point swing against the Democrats. Adler quickly tried to limit his vulnerability. While he voted with Obama on the stimulus and cap and trade, he defected on the health care vote after Christie won in November. Hoping to scare off a top-tier opponent, Adler raised $1.67 million in 2009, adding to his reputation as a fundraiser. (In 2008, he raised more money than any non-incumbent congressional candidate in the country.)

Runyan first publicly hinted that he might be interested in the race three days after the House voted on health care. Within days, the Democratic Congressional Campaign Committee (DCCC) began shopping opposition research to the media, eventually placing a story in *The Hill* about Runyan not having voted in four elections between 2000 and 2008. In January, the morning after Runyan returned home from his final NFL game (he played a valedictory season with the San Diego Chargers), the *Philadelphia Inquirer* ran another DCCC dump, about tax deductions Runyan has taken on part of his property.

It was a pretty nasty introduction to politics—especially for a guy who hadn't even secured the county parties' endorsements for his run. The 6′7″, 330-pound Runyan took it in stride. "Everyone asks, 'Are you prepared for this,'" he laughs. "But when you think about the environment I've lived in during the last 14 years, the sports world isn't a very positive world in itself. You have to have a thick skin and you have to deal with a lot of people talking bad about you a lot of the time."

The eldest of three children, Runyan grew up in Flint, Michigan, where his father worked as a machinist for GM for 30 years. A high school standout in both basketball and football, he was recruited to play hoops for Michigan State, but decided to take a football scholarship to the University of Michigan instead. After finishing his degree (in kinesiology) he was drafted in the fourth round by the Houston Oilers in 1996. Four years later, he signed with Philadelphia.

His lunch-pail approach to football made him a local hero. Over nine seasons with the Philadelphia Eagles, he was as much of a star as a lineman can be. Which in the Philadelphia area is actually quite a lot. In a town hostile to golden boys, Runyan piled up the kind of achievements that Philly fans care about: He started 213 consecutive games and amassed more playoff appearances than any other concurrent player in the league, including stars such as Peyton Manning and Tom Brady. In 2007, he played most of the season with a tailbone injury so painful that he couldn't sit during crosscountry flights. Even so, he finished that season without committing a single penalty. And Runyan was no choir boy. In 2006, *Sports Illustrated* polled 361 NFL players, asking them to name the dirtiest player in the league. Runyan finished second. For Eagles fans this was a feature not a bug.

Jon Runyan

NEWSCOM

The GOP establishment is lining up behind Runyan. Last week the other major candidate withdrew from the primary race, saying that Runyan had the best chance to beat Adler. Runyan is likely to face only a token challenge from maverick Republican Justin Murphy in the June primary. From there he'll have a five-month sprint to his showdown with Adler.

The fundamentals of the race are as favorable as any Republican will see in New Jersey, and Runyan adds name-recognition, outsider status, and an ability to self-finance to the equation. Still, November is a long way off. State party chair Jay Webber says that while he expects the race to be extremely competitive, "You've got to respect incumbency and you've got to respect Adler's financial ability." Matt Friedman, who covers the 3rd District for the nonpartisan website PolitickerNJ.com, cautions, "I would not underestimate [Adler]. He's tacked so far to the right in his freshman term that he's really a centrist. . . . But he's in trouble. He's definitely in trouble." Charlie Cook has downgraded the race from likely Democratic hold to leans Democrat, and that was before Runyan emerged as the almost-certain nominee.

The main question is what kind of candidate Runyan will be. He is not a commanding presence in the mold of Steve Largent or Heath Shuler. The politician he resembles most is another New Jersayan seemingly without artifice: Chris Christie. Like the newly elected governor, Runyan is not a culture warrior and his conservatism seems largely pragmatic. The issues he cares about most are taxes and government expansion. "The way government is growing and spending," he says, "I don't believe that's the way you're going to fix our problems." Asked what political figure he admires, he in fact names Christie.

As important as what Runyan is, however, is what he isn't. He isn't tied to any Republican legacy. He isn't a polished political product. And he isn't a career pol who's spent his adult life angling for a gig in Washington. His campaign manager Chris Russell says, "I don't think that Jon's a guy, if he's elected, that you're going to see go down to Washington for 20 years." Asked if he could see himself settling in D.C. for the long haul, Runyan explains, "Given the way the system is, you're going to need some seniority

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to get things done, but by no means do I intend to spend my whole life down there. The system was intended for people to come from various different parts of life . . . and to not necessarily make a career out of it."

Runyan and the 3rd District are a good reminder of the consequences of presidential failure. Seemingly safe districts come into play. And individuals who might be otherwise engaged—say, doing color commentary for the NFL—suddenly become formidable candidates. ♦

Greece's Financial Crisis

Tragedy or farce?

BY IRWIN M. STELZER

Greece may account for only 2.5 percent of the economy of the 16 countries where the euro has replaced national currencies, but its financial woes are having a huge effect on the future not only of "euroland," but also of the 27-nation European Union. And on the United States: The problems of Europe's debt-ridden PIGS—Portugal, Ireland, Greece and Spain—have highlighted the finances of nations that are running huge budget deficits, including ours. As investors and rating agencies put it, the problems of the PIGS have put national balance sheets in play. We are on notice that our triple-A bond rating is under review.

Economists have always wondered whether a single currency, circulating in countries with 16 different budgetary and fiscal policies, could long survive. After all, the area's central bank would have to find a one-size-fits-all interest rate that would control inflation in countries with overheating economies while at the same time stimulating growth in economies in recession or growing too slowly to maintain full employment. Answer: It can't be done. At least, not very well.

Irwin M. Stelzer is a contributing editor to The Weekly Standard, *director of economic policy studies at the Hudson Institute, and a columnist for the* Sunday Times *(London).*

But it turns out that is the least of euroland's problems. The inventors of the euro have always known that monetary union without political union would be unsustainable. Germany would keep its fiscal house in order, a result of its historic experience with the consequences of inflation, while other countries such as Greece might go deep into debt, borrowing at attractive interest rates because investors assumed that should it run into repayment problems its euroland colleagues would somehow bail it out.

In anticipation of this problem the inventors of the euro required that all members sign on to a Growth and Stability Pact, pledging not to allow their fiscal deficit to exceed 3 percent of their GDP, or total debt to mount to more than 60 percent of GDP. European federalists always saw this as a temporary measure, eventually to be replaced with formal political union and the emergence of a United States of Europe, never mind that voters in many European countries want no part of such a surrender of nationhood.

Greece, eager to trade its drachma for the euro so that it could borrow at the lower interest rates that membership would make available, readily agreed to the 3 percent limit on its deficit, was inducted into the exclusive euro club—and then went on a borrowing spree concealed by a variety of accounting tricks and some outright economizing with the truth. With the help of Goldman Sachs and other banks, Greece engaged in exotic financial transactions and also sold future income streams such as revenues anticipated from landing fees at its airports for current cash, and then concealed the liabilities with a variety of off-the-balance-sheet devices that Goldman now admits were insufficiently transparent. (At one point the Greek government considered selling off future revenues from the sale of admission tickets to the Acropolis, but it finally decided that headlines like "Greece Sells the Acropolis" might attract unwanted attention to its financial shenanigans.)

Investigators from the European Central Bank, aided by experts from the International Monetary Fund, are still trying to determine the size of Greece's deficit, a process not made easier by a strike of Greek Finance Ministry staff in protest against efforts to cut their benefits or raise their retirement age. The best guess is that last year's deficit came to almost 13 percent of GDP, total debt is well in excess of 100 percent of GDP, and unless spending is cut and taxes raised, the flood of red ink this year will be no lower. Problem: Greece has to borrow about $75 billion to repay debts due this year, and unless the deficit is brought under control investors are either going to just say no or demand punishingly high interest rates to make their capital available. Unless, of course, Greece's euroland or EU colleagues guarantee repayment, setting the stage for similar requests from Portugal, Spain, and perhaps Italy and Ireland. Call it moral hazard.

Here is where history matters. To get the Germans to give up their cherished, stable deutsche mark in favor of the euro, their leaders had to promise that under no circumstances would Germany become the lender of last resort to countries that failed to keep their fiscal houses in order. Indeed, Germany went along with the European "project"—replacement of nation states with a federal Europe—only because it wanted to end fears of a German Europe by creating a Euro-

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pean Germany. The "project" from its inception was less about economics than about creating a political union so tight that war became unthinkable. The theory, rather charmingly Marxist in conception, as Gideon Rachman notes in the *Financial Times*, was that by creating economic institutions—the European Coal and Steel Community, then the Common Market, then the common currency—the founding fathers were ensuring that European political institutions would soon follow, consigning the nation-state to the dustbin of history. In the event, it is not clear that politics follows economics.

At least it doesn't seem to be working that way so far. German chancellor Angela Merkel has made it clear that she has no intention of having her taxpayers (voters) pay for Greek profligacy. If the Greeks think that she will change her mind, so the joke making the rounds in Europe goes, they have really lost their Marbles. Not that the Greeks are eager to give Germans a say in how they run their country: Having once had experience with that circumstance, they do not want Merkel's tanks wheeled onto the lawn of their finance ministry. Deputy Prime Minister Theodoros Pangalos says that Greece faces a period of austerity because Germany never paid adequate reparations for its occupation: "They took away the Greek money, and they never gave it back. This is an issue that has to be faced."

One can't help feeling at least a bit sorry for Greek prime minister George Papandreou, who inherited the mess he now confronts. Papandreou is an American-born sociologist trained at, among other places, the London School of Economics. He is also the son of a distinguished economist, with two brothers trained in that dismal science, and thus not short of economic advice. What he lacks is control of the voters in a country in which one in three workers is employed by the state, many in no-show jobs, and in which evading taxes is the national pastime—most shops have a two-price system, with hefty discounts for customers willing to do without a sales receipt.

Papandreou fears that if he accedes to the demands of his fellow eurozone members and cuts spending even more than he plans by laying off large numbers of public sector workers, raises Value Added Taxes from 19 percent to 20 percent or 21 percent, and turns the tax collectors loose (only 70 percent or less of VAT due is actually collected), recent general strikes and protest marches will escalate into destabilizing, window-smashing social unrest. It seems that Greek public service workers are especially offended by the government's proposal to raise the retirement age from 61 to 63.

The EU does hold one trump card: Article 126.9 of the 27-nation's Lisbon Pact allows Brussels bureaucrats to seize control of Greece's budget. That is not likely to happen, at least overtly. Creeping insertion of monitoring seems more likely. Meanwhile, negotiations continue. The EU is pressing Greece to get its deficit down, the markets are warning that Greek bonds will bear high premiums when the country seeks new financing, and Papandreou is denouncing his potential saviors for interfering in his country's affairs—a bailout is fine, but attaching strings to incoming checks is not. For good measure he is accusing "certain other forces"—read U.S. hedge funds—of trying to bring down the euro, a cry also heard in Spain, where the intelligence services are investigating collusion between the media and U.S. investors to drive Spain's economy to ruin.

Which brings us to California. And New York. Among others. We live in an age when private sector deleveraging is running alongside huge increases in public sector debt. Greece is not alone in running double-digit deficits, or pushing its debt-to-GDP ratio to levels that new studies show will stifle future growth. Nor is it alone in keeping huge future liabilities off the national balance sheet—as any analyst of the Obama budget plans will tell you. Of course, the United States is not Greece: We have a reserve currency that retains worldwide acceptability, a central bank that sets interest rates appropriate to our economic circumstances (or tries to), minimal tax evasion, a far smaller (but rapidly growing) public sector, and a set of books that are more credible than those in Athens.

But we have been warned by the rating agencies that continuation of the triple-A rating granted our government's debt is no longer certain, and that unless we mend our profligate ways, we will have to pay more to borrow, with a crippling effect on our ability to return to historic growth rates. Worse still, just as euroland countries are faced with the prospect of taking Greek debt onto the area's balance sheet, our federal government is increasingly faced with the prospect of having to take states' debt onto the national balance sheet, either by lending states money or by sending more and more funds from Washington to state capitals to prevent defaults.

"Drop Dead, New York," and California, and Illinois, and Michigan are not headlines President Obama wants to take into his reelection campaign. Unlike the eurozone, the United States is a federal as well as a monetary union. If things get bad enough, the powers that be in Brussels can tell Greece to shape up or ship out—abandon the euro and start printing drachmas again, lots of them. Tempting as that solution might be to solvent American states that have avoided the regulatory and tax excesses of, say, California and New York, abandonment is not an option. Berlin can tell Athens it will let it default rather than bail it out; Washington can't say that to Sacramento or Albany. Pity. The rating agencies know that, and are adding state debt to federal debt during their reviews of America's financial health.

We will know soon how the Greek tragedy ends. My guess is that Greece will muddle through, with investors assuming that Greek debt has the implied backing of financially stronger euroland countries. But Greece will have to accept a loss of sovereignty, as its fellow euroland members demand a say in its spending and tax plans—rather as our bailed-out banks have had to accept supervision of bonuses by the government, and bailed-out auto companies will now have to produce the sorts of cars politicians deem in the public interest. He who pays the piper . . . well, you know the rest. ♦

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Predators Over Pakistan

The U.S. drone campaign is effective—and legal. Why won't the Obama administration's lawyers defend it?

By Kenneth Anderson

Targeting terrorists and militants with Predator drone strikes is one campaign promise President Obama has kept to the letter. Missiles fired from remote-piloted "unmanned aerial vehicles" (UAVs) at al Qaeda and Taliban leadership steadily and sharply increased over the course of 2009. Senior U.S. military and intelligence officials have called them one of the most effective tactics available to strike directly at al Qaeda and the Taliban. Indeed, CIA director Leon Panetta says that drones are "the only game in town in terms of confronting or trying to disrupt the al Qaeda leadership." There is every reason to believe him.

In January 2010 alone, a dozen strikes were launched just in the Pakistani tribal region of Waziristan. With the beginning of the promised offensive against the Taliban in Afghanistan, Predator attacks have likewise surged against targets in Pakistan, concurrent with moves by Pakistani intelligence to detain Taliban leaders, and also concurrent with the extensive use of UAVs on the battle-

Kenneth Anderson is a visiting fellow on the Hoover Task Force on National Security and Law, and a professor at American University, Washington College of Law.

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A U.S. Air Force MQ-9 Reaper unmanned aerial vehicle sits in a shelter at Joint Base Balad, Iraq

U.S. AIR FORCE / TECH. SGT. ERIK GUDMUNDSON

field in the Afghan offensive (primarily as an urban surveillance tool but also for missile strikes). Obama promised that his administration would go after al Qaeda and Taliban in their refuges in Pakistan—with or without the permission of the Pakistani government, he pointedly said—and so he has done.

The aggressive expansion of the Predator targeted killing program is the Obama administration's one unambiguous innovation in the war against terrorists. The adaptation of UAV surveillance craft into missile platforms took place as an improvisation in 2002 under the Bush administration—but its embrace as the centerpiece of U.S. counterterrorism operations belongs to Obama. It is not the whole of it—the Obama administration has expanded joint operations with Pakistan and Yemen, and launched commando operations in Somalia against terrorists. But of all the ways it has undertaken to strike directly against terrorists, this administration owns the Predator drone strategy. It argued for it, expanded it, and used it, in the words of the president's State of the Union address, to "take the fight to al Qaeda."

As al Qaeda, its affiliates, and other transnational jihadists seek shelter in lightly governed places such as Yemen or Somalia, the Obama administration says the United States will follow them and deny them safe haven. Speaking at West Point, the president obliquely referred

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to so-called targeted killings—we will have to be "nimble and precise" in the use of military power, he said, adding that "high-ranking al Qaeda and Taliban leaders have been killed, and we have stepped up the pressure on al Qaeda worldwide."

The Predator drone strategy is a rare example of something that has gone really, really well for the Obama administration. Counterterrorism "on offense" has done better, ironically, under an administration that hoped it could just play counterterrorism on defense—wind down wars, wish away the threat as a bad dream from the Bush years, hope the whole business would fade away so it could focus on health care. Yet for all that, the Obama administration, through Predator strikes, is taking the fight to the enemy.

And, let's face it, in dealing with terrorist groups in ungoverned places in the world, we have few good options besides UAVs. Drones permit the United States to go directly after terrorists, rather than having to fight through whole countries to reach them. Maybe that's not enough to win. Maybe "light-footprint" counterterrorism via drones turns out to be just the latest chimera in the perennial effort to find a way to win a war through strategic airpower. Yet even in a serious counterinsurgency on the ground, drones will still be important as a means of attacking terrorists while clearing and holding territory. The upshot? As long as we engage in counterterrorism, drones will be a critical part of our offense.

Obama deserves support and praise for this program from across the political spectrum. More than that, though, the drone strikes need an aggressive defense against increasingly vocal critics who are moving to create around drone warfare a narrative of American wickedness and cowardice and of CIA perfidy.

Here the administration has dropped the ball. It has so far failed to provide a robust affirmation of the propositions that underwrite Predator drone warfare. Namely:

■ Targeted killings of terrorists, including by Predators and even when the targets are American citizens, are a lawful practice;

■ Use of force is justified against terrorists anywhere they set up safe havens, including in states that cannot or will not prevent them;

■ These operations may be covert—and they are as justifiable when the CIA is tasked to carry them out secretly as when the military does so in open armed conflict.

■ All of the above fall within the traditional American legal view of "self-defense" in international law, and

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"vital national security interests" in U.S. domestic law.

There are good reasons for Republicans and centrist Democrats to make common cause in defending these propositions. On the one hand, they should want to aggressively protect the administration against its external critics—the domestic and international left—who are eager to prosecute Americans for their actions in the war on terror. They should also want to make clear that in defending drone strikes, they are defending the American (and not just the Obama) legal and strategic position. Moreover, it will be the American view of domestic and international law for future administrations, Democratic and Republican.

At the same time, congressional Republicans and centrist Democrats need to put Obama's senior legal officials on the record and invite them to defend their own administration, defend it to the full extent that the Obama administration's actions require. Which is to say, Congress needs to hear publicly from senior administration lawyers and officials who might be personally less-than-enthused about targeted killings of terrorists and not eager to endorse them publicly, or to do so only with hedged and narrow legal rationales from which they can later walk away.

Consider, for instance, the diffidence of Harold Koh, the legal adviser of the Department of State. In an informal public discussion with his predecessor, John Bellinger, aired on C-SPAN on February 17, he was asked about drones and targeted killings and declined to say that the practice was lawful. (Granted, it was in an unscripted setting, which cannot be taken as anyone's last word and on which it would be unfair to place too much weight.) All he said was that if he concluded that it was unlawful, he would, if he thought it appropriate, resign his position. He added that he remained at his post. The statement falls far short of the defense one might hope for from such a high-ranking administration lawyer. More than a year into the new administration, that ought surely to strike the general counsels of the CIA, the Pentagon, the Director of National Intelligence, the NSC, and other agencies directly conducting these activities as somewhat less than reassuring.

In fact, the administration's top lawyers should offer a public legal defense of its policies, and congressional Republicans and Democrats should insist on such a defense. This is partly to protect the full use-of-force tools of national security for future administrations, by affirming the traditional U.S. view of their legality. But it is also to protect and reassure the personnel of the CIA, NSC, and intelligence and military agencies

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General Atomics contractors load a Hellfire missile onto an MQ-1 Predator in Iraq.

U.S. AIR FORCE / SENIOR AIRMAN BRIAN FERGUSON

who carry out these policies that they are not just effective but *lawful* policies of the U.S. government and will be publicly defended as such by their superiors.

Even as the Obama administration increasingly relies on Predator strikes for its counterterrorism strategy, the international legal basis of drone warfare (more precisely, its perceived international legal *legitimacy*) is eroding from under the administration's feet—largely through the U.S. government's inattention and unwillingness to defend its legal grounds, and require its own senior lawyers to step up and defend it as a matter of law, legal policy, and legal diplomacy. On the one hand, the president takes credit for the policy—as frankly he should—as taking the fight to the enemy. His vice president positively beams with pride over the administration's flock of Predator goslings. On the other hand, the Obama administration appears remarkably sanguine about the campaign gearing up in the "international law community" aimed at undermining the legal basis of targeted killing as well as its broad political legitimacy, and ultimately at stigmatizing the use of Predators as both illegal and a coward's weapon.

Stigmatizing the technology and the practice of targeted killing is only half of it, though. The other half is to undermine the idea that the CIA may use force and has the authority to act covertly under orders from the president and disclosure to Congress, as long provided in U.S. law. The aim is to create a legal and political perception that, under international law, all uses of force must be overt—either as law enforcement or as armed conflict conducted by uniformed military.

The Obama administration is complacent about this emerging "international soft law" campaign. But Obama's opponents in this country, for their part, likewise underestimate and ignore the threat such a campaign presents to national security. That's apparently because many on the right find it hard to imagine that mere congeries of NGOs, academics, activists, U.N. officials, and their allies could ever overcome "hard" American national security interests, particularly when covered by the magic of the Obama administration. Both liberal and conservative national security hands, looking at the long history of accepted lawfulness of targeted killings under American law, think, "Come on, there's obvious *sense* to this, legal and political. These arguments in domestic and international law have long been settled, at least as far as the U.S. government is concerned." But if there's a sense to it, there's a *sensibility* as well, one that goes to the overall political and legal "legitimacy" of the practice within a vague, diaphanous, but quite real thing called "global public opinion," the which is woven and spun by the interlocking international "soft law" community and global media.

It's a mistake to remain oblivious to either the sense *or* the sensibility. Outside of government, the oblivious

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include hard-realist conservatives. Inside government, some important political-legal actors are struggling impressively both to overcome bureaucratic inertia and get in front of this issue, and to overcome factions within government unpersuaded by, if not overtly opposed to, this program—particularly as conducted by the CIA. Those actors deserve political support from congressional Republicans and Democrats. Because obliviousness to the sensibility of lawfulness and legitimacy—well, we should all know better by now. Does anyone still believe that the international legal-media-academic-NGO-international organization-global opinion complex cannot set terms of debate over targeted killing or covert action? Or that it cannot overcome "hard" American security interests? Or that this is merely another fringe advocacy campaign of no real consequence, whether in the United States, or abroad in Europe, or at the United Nations?

The Obama administration assumes that it uniquely sets the terms of legal legitimacy and has the final word on political sensibility. This is not so—certainly not on this issue. The international soft-law campaign looks to the long-term if necessary, and will seek the political death of targeted killings, Predator drones, and their progeny, and even perhaps to CIA covert action, by a hundred thousand tiny paper cuts. The campaign has already moved to the media. Starting with Jane Mayer's narrative of Predator drone targeted killing in the *New Yorker* last October, and followed by many imitators, the ideological framework of the story has shifted. In the space of a year—Obama's year, no less—it has moved from Candidate Obama's brave articulation of a bold new strategy for attacking terrorists to the NGOs' preferred narrative of a cowardly, secretive American CIA dealing collateral damage from the skies. Here's the thumbnail version of drone warfare, as portrayed in the media.

Focus first on the dozens of civilian victims in a Predator strike, particularly wives of the (merely alleged) al Qaeda suspect and many, many children. You don't actually have to go to Waziristan, by the way, al Jazeera will have done all the "reporting" for you (relying on local, Taliban-influenced sources). Emphasize the casualties, without, however, comparing the casualties that would result from realistic military alternatives, which include bombing or perhaps a rolling artillery barrage by the Pakistani Army. Insinuate strongly that it is not known for sure (at least with courtroom levels of proof) if the target was al Qaeda.

Second, cut directly to a Nevada military base from which the UAV was directed and interview a U.S. military controller, off duty and headed to a baseball game with kid. Strongly imply that the military controller is a coward, using a coward's weapon, unwilling to confront his (brave but overmatched) enemies in honorable combat, up close and personal. Sententiously note that Predator drones "reduce American disincentives to violence." Announce, more in sorrow than anger, that if this is all not due to American cowardice, American forces have perhaps been corrupted and rendered insensible to the sufferings of their victims on account of playing too many video games.

Third, interview a human rights lawyer who, relying on the International Committee of the Red Cross's new "guidance" as to who is a "combatant" and who takes "direct participation in hostilities," will say that the problem is not just collateral damage. The new "direct participation" standard means that even al Qaeda leaders have a right to attend a wedding undisturbed. They cannot be considered a lawful target at that moment, or while they are merely drinking tea or watching *American Idol* or consorting with their wives.

Fourth, find a human rights advocate who will say that, after all, although the Americans believe they came up with targeted killing to reduce collateral damage when going after those who hide among civilians as shields, in actuality the "insurgents" were forced to commingle with civilians. (I have been told this, recited as a little mantra, by at least four well-regarded European human rights lawyers in two years now.) Artfully distinguish between what the uniformed U.S. military does and what the civilian CIA does. Be careful not to raise any questions about "Our Brave Men and Women in Uniform"—but strongly suggest that the CIA might be up to no good. Cue a war crimes lawyer who will be willing to say (as a recent academic paper by a highly respected international law professor did) that members of the "CIA are not lawful combatants and their participation in killing persons—even in an armed conflict—is a crime." Goodness. This, despite U.S. statutory authorization for such participation dating back to the founding of the CIA in 1947. Oh, and by all means suggest that the January wave of drone strikes was merely the CIA engaged in vicious, petty vengeance for the December suicide bombing against its base in Afghanistan. The suicide bomber succeeded because of the CIA's own incompetence, and innocent civilians are paying the price as collateral damage.

Finally, interview International Criminal Court prosecutors, independent magistrates in hospitable jurisdictions like Spain, or U.N. officials, who will describe drone attacks as "extrajudicial execution" and, at bottom, simple murder by people who are often not even uniformed members of a military fighting a war. Neglect to mention that the United States has always rejected, over many administrations and many decades, the interpretation of the international convention that might yield this legal conclusion. Conclude by observing—just observing, that's all—that the

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legal basis for targeted killing, drone warfare, and particularly its conduct by the civilian CIA, is unclear and fraught with uncertainty. It might someday (read: post-Obama, in the next Republican administration) result in international criminal charges.

There have been some fine and useful articles written about targeted killing and the law—a recent piece in the *National Journal* by Shane Harris, for example, which was the first to report on the profoundly troubling issues raised by the Red Cross's new and little-remarked "direct participation in hostilities" interpretive guidance. For that matter, too, Dana Priest's detailed, closely sourced, admirably objective narrative a few weeks ago in the *Washington Post*, describing U.S. forces' deep involvement in Yemen, does not conform to the stereotypical portrait I have sketched above.

But a thorough reading of the Predator coverage calls to mind how the detention, interrogation, and rendition debates proceeded over the years after 9/11. As Brookings scholar Benjamin Wittes observes, those arguments also had elements of both legal sense and sensibility. Ultimately the battle of international legal legitimacy was lost, even though detention at Guantánamo continues for lack of a better option. It is largely on account of having given up the argument over legitimacy, after all, that it never occurred to the Obama administration *not* to Mirandize the Christmas Bomber. Baseline perceptions of legitimacy have consequences.

Perhaps a bookmaker can offer odds on how soon after the Obama administration leaves office CIA officers will be investigated by a court somewhere on grounds related to targeted killing.

Nor is the campaign to delegitimize targeted killing only about the United States. Legal moves in European courts have already been made against Israeli officials involved in targeted killing against Hamas in the Gaza war. Unsavory members of the U.N. act alongside the world's most fatuously self-regarding human rights groups to press for war crimes prosecutions. All of this is merely an opening move in a larger campaign to stigmatize and delegitimize targeted killing and drone attacks. What can be done to Israelis can eventually be done to CIA officers. Perhaps a London bookmaker can offer odds on how soon after the Obama administration leaves office CIA officers will be investigated by a court, somewhere, on grounds related to targeted killing and Predator drone strikes. And whether the Obama administration's senior lawyers will rise to their defense—or, alternatively, submit an amicus brief calling for their prosecution.

Thus it matters when the U.N. special rapporteur on extrajudicial execution, Philip Alston, demands, as he did recently, that the U.S. government justify the legality of its targeted killing program. Alston, a professor at New York University, is a measured professional and no ideologue, and he treads delicately with respect to the Obama administration—but he treads. Likewise it matters when, in mid-January, the ACLU handed the U.S. government a lengthy FOIA request seeking extensive information on every aspect of targeted killing through the use of UAVs. The FOIA request emphasizes the legal justification for the program as conducted by the U.S. military and the CIA.

Legal justification matters, partly for reasons of legitimacy and partly because the United States is, and wants to be, a polity governed by law. This includes international law, at least insofar as it means something other than the opinions of professors and motley member-states at the U.N. seeking to extract concessions. International law, it is classically said, consists of what states consent to by treaty. Add to this "customary law"—as evidenced by how states *actually* behave and as provided in their statements, their so-called *opinio juris*. Customary law is evidenced when states do these things *because* they see them as binding obligations of law, done from a sense of legal obligation—not merely habit, policy, or convenience, practices that they might change at any moment because they did not engage in them as a matter of law.

What the United States *says* regarding the lawfulness of its targeted killing practices matters. It matters both *that it says it*, and then of course it matters *what it says*. The fact of its practices is not enough, because they are subject to many different legal interpretations: The United States has to assert those practices as lawful, and declare its understanding of the content of that law. This is for two important reasons: first to preserve the U.S. government's views and rights under the law; and second, to make clear what it regards as binding law not just for itself, but for others as well.

Other states, the United Nations, international tribunals, NGOs, and academics can cavil and disagree with what the United States thinks is law. But no Great Power's consistently reiterated views of international law, particularly in the field of international security, can be dismissed out of hand. It is true of the United States and it is also true of China. It is not a matter of "good" Great Powers or "bad." Nor is it merely "might makes right." It is, rather, a mechanism that keeps international law grounded in reality, and not a plaything of utopian experts and enthusiasts,

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departing this earth for the City of God. It remains tethered to the real world both as law and practice, conditioned by how states see and act on the law.

The venerable U.S. view of the "law of nations" is one of moderate moral realism—the world "as it is," as the president correctly put it in his Nobel Prize address. It is not the vision of radical utopians and idealists; neither is it that of radical skeptics about the very existence of law in international affairs. On the contrary, the time-honored American view has always been pragmatic about international law (thereby acting to preserve it from radical internationalism and radical skepticism). But upholding the American view requires more than simply dangling the inference that if the United States does it, it means the United States must intend it as law. Traditional international law requires more than that, for good reason. The U.S. government *should* provide an affirmative, aggressive, and uncompromising defense of the legal sense and sensibility of targeted killing. The U.S. government's interlocutors and critics are not wrong to demand one, even those whose own conclusions have long since been set in stone.

A clear statement of legal position need not be an invitation to negotiate or alter it, even when others loudly disagree. In international law, a state's assertion that its policies are lawful, particularly such an assertion from a great power in matters of international security, is an important element all by itself in making it lawful, or at least not unlawful. But in vast areas of security, self-defense, and the use of force, the U.S. government has in recent years left a huge deficit as to how its actions constitute a coherent statement of international law.

For once, Washington should move to get ahead of a contested issue of international legal legitimacy and "soft law." Why else have an Obama administration, if not to get out in front on a practice that it has ramped up on grounds of both necessity and humanitarian minimization of force? The CIA has taken a few baby steps by selectively leaking some collateral damage data to a few reporters. But the CIA is going to have to say more. The U.S. government needs to defend targeted killings as both lawful, and as an important step forward in the development of more sparing and discriminating—more humanitarian—weaponry.

Human rights advocates are reactionaries, it turns out, when it comes to technological innovation and humanitarian advance in making weapons more discriminating. They are locked into a view that each successive innovation constitutes a violation of the laws of war, that no evolution is possible in more discriminatory technology, because each increment (and progress comes incrementally) will be legally as much of a violation as the previous, similar effort. A generation ago, at the beginning of the NGO movement to ban landmines, international advocates demanded that military designers come up with more discriminating weapons. Well, they did—that is what drones are par excellence—and for the advocates, these still violate the laws of war.

A Predator assigned to the 432nd Air Expeditionary Wing, Creech AFB, Nevada

U.S. AIR FORCE / MASTER SGT. SCOTT REED

Does the United States really believe it is a good idea to cede, through complacency as much as anything, either the legitimacy of targeted killing as a practice, or the legitimacy of the covert services? Why was the CIA, not the military, originally tasked with attacks in Pakistan? For many reasons, but one is surely for the ability to deny that the U.S. military was engaged in operations on the ground there. This points to a looming civil war in the Democratic party's national security leadership. On the one hand, its transnational law wing seems not to defend the administration's policy of using the CIA in targeted killing. The silence is so stunning that one cannot help but wonder whether those same appointees plan to return to private life after the Obama administration and encourage their prosecution—having been careful never to opine while in office on targeted killing policy or its lawfulness, particularly as undertaken by CIA officers.

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Career CIA and NSC officials (those who supervise target lists for nonmilitary Predator attacks as well as make the strike determination, subject to the president's personal authorization and disclosure to congressional leaders) must be wondering and should wonder. Uncertainty is precisely what the international soft-law campaigners seek to leverage—raise enough personal legal insecurity among mid-tier CIA officers to affect their decisions on whether and how much to strike, and how close to "courtroom" standards of evidence they must come before identifying a target.

On the other hand, longtime national security hands among the Democrats apparently cannot imagine there might be a problem with targeted killing in Pakistan—let alone with the idea of targeted killing through CIA covert action. Democratic party *éminences grises* of national security Graham Allison and John Deutch, for example, wrote last year that Predator strikes in Pakistan offer "our best hope" in dealing a "decisive blow against al Qaeda." Implementing these operations, they say, requires "light U.S. footprints backed by drones and other technology that allows missile attacks on identified targets."

Uncertainty is what the soft-law campaigners seek to leverage—raise enough personal legal insecurity among mid-tier CIA officers to affect their decisions.

Shall Allison and Deutch be referred to Spanish prosecutor Baltasar Garzón for possible complicity in war crimes? Does collateral damage amount, for example, to unlawful "collective punishment" of the population? Disproportionate damage? Extrajudicial execution? Their sense of the legitimacy of covert action is sufficiently robust for them to write that if "many Pakistanis see covert actions carried out inside their country as America 'invading an ally,'" the problem is not the drone campaign. It is, rather, that "the U.S. government no longer seems to be capable of conducting covert operations without having them reported in the press." Well. The problem they see is not a legal one. It is an operational one of not shutting out the news media and the NGOs and the international community sufficiently to be able to conduct covert operations unmolested.

These two views of U.S. national security cannot be reconciled, frankly. But in that case, what did President Obama say at West Point? Certainly he did not say that the United States would follow some absurdly literal reading of the U.N. Charter, waiting upon an armed attack to occur before responding. On the contrary, the United States will not allow terrorists to hide in safe havens, wherever they might be. Nor did he say that the United States would respect as absolutely inviolate the territorial integrity of states where terrorists had taken refuge. He restated the customary position of U.S. presidents that "we cannot tolerate a safe-haven for terrorists whose location is known, and whose intentions are clear." Location within a sovereign state will not shield them. And intentions are enough for the United States to take a decision to strike.

Coming from the president, this is a statement of U.S. policy more than of formal law. One expects the legal counselors of the government to reiterate these views as lawyerly statements of law. The president's traditional yet sweeping claim to be able to use force to defend the United States is not a statement limited to "war" or "armed conflict." It is broader than "armed conflict" (in its technical legal meaning). Yet it contemplates uses of force that might also be more minimal than the ordinary idea of armies "marching as to war."

What the president meant, rather, is the traditional international legal doctrine of self-defense. A broader legal category than "armed conflict" (a subset of it), self-defense might consist of tiny strikes using, for example, covert CIA actors against terrorists, yet not rising to the full level of sustained fighting that crosses the legal threshold into "armed conflict." It might be invoked in places and ways outside of traditional theaters of armed conflict such as Afghanistan, Pakistan, or Iraq. The president's legal advisers should be elaborating the legal arguments for self-defense, and not solely armed conflict, as the proper international law "frame" of the president's statements.

Self-defense, after all, is what the United States has traditionally claimed regarding the use of force against terrorists. The United States has made many statements to that effect dating back many decades. One of the most comprehensive examples was offered in a well-known address in 1989 by then-State Department legal adviser Abraham Sofaer (the Harold Koh of the second Reagan administration and the George H.W. Bush administration). Although unusually comprehensive with respect to terrorism, it contained nothing legally new. The United States endorses the legal "right of a State to strike terrorists within the territory of another State where the terrorists are using that territory as a location from which to launch terrorist attacks and where the State involved has failed to respond effectively to a demand that the attacks be stopped."

Importantly, Sofaer embeds these views on using force for self-defense against terrorists within the U.S. tradition of pragmatic realism regarding international law. Accepting international law as a category of constraint in international relations, it is nonetheless pragmatically flexible

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and evolves according to conditions, including new threats. It contains no novelty; on the contrary, any legal novelties have consisted in NGOs and the "soft-law" community trying to rewrite international law to their specifications. Self-defense in international law therefore offers a category for the use of force that is not law enforcement—and yet is not necessarily "armed conflict" involving uniformed military forces. After all, many instances of using force against terrorist groups in the past have been exactly that—pinprick covert operations against terrorists not reaching to war, involving civilian CIA officers.

The U.S. government has always held out these smaller, "non-armed conflict" uses of force as lawful under domestic law, and moreover not a violation of international law (even if it might constitute a violation of the domestic law of the place where the operation unfolded). Strategically, it has seen such use of force as the prudent alternative to what might otherwise escalate into a far larger, undesirable conflict. Overt is not always better than covert. But, then, why not just say that even these tiny instances of using force, wherever in the world they might occur, are still "war" and "armed conflict" against nonstate-actor terrorists? The Bush administration told us we were in a "global" war on terror—wasn't it right?

Successive administrations began sliding into narrow "armed conflict" legal justifications beginning in the Clinton years. The relevant legal opinions and memoranda are not publicly available, and we have only bits and pieces to go on. But sometime in the Clinton administration, as al Qaeda began to be recognized as a threat to which the United States was going to respond, the U.S. government seems to have begun internally to justify its uses of force against suspected terrorists (and their training camps and safe havens) not in the traditional terms of self-defense, but instead by characterizing the targets as combatants who could be targeted under the laws of war.

A legal standard of combatancy, it appears, began to substitute for a more general invocation of self-defense under international law and its domestic law cognate, vital national security interests. The Obama, Bush, and Clinton administrations each (apparently) believed that they were on firmer legal ground going after "combatants" in an "armed conflict" than relying on the customary law of self-defense as an independent ground for the use of force. Certainly it sounded better, as a law-PR matter, to say that one was targeting "combatants."

What these administrations seemingly neglected to consider, as a legal matter, is that law of war treaties and customary law defining armed conflict actually have formal conditions—thresholds that must be met before all the particulars of the laws of war kick in. Armed conflict in a legal sense is *lex specialis*, and you get its very special rights, immunities, privileges, and obligations *only* if the circumstances meet either the treaty law (in the case of interstate conflict), or the customary law standards for armed conflict with a nonstate actor. An armed conflict with a nonstate actor (traditionally civil war) has to rise to some level of fighting that is more than just, for example, internal civil disturbances and riots. It requires sustained, persistent fighting occurring in a theater of conflict. A theater of war even if loosely defined is not simply the whole planet. Armed conflict can break out in new places with a nonstate actor, if that's where they happen to go (Yemen, Somalia, etc.), but the fighting in those new places does have to rise to meet those thresholds.

What happens if for some reason you flunk the requirements of an "armed conflict" with a nonstate actor—because your use of force was discrete, discriminating, a targeted killing but certainly not sustained and systematic hostilities over time? If there is no armed conflict, there is no "combatant." Combat is a special status under the laws of war; there has to be a legal armed conflict, and if there's not, there is no combatancy. And if your claim is solely combatancy when there is no armed conflict, then your targeted killing is, other things held equal, a violation of human rights law. It is, other things equal, the extrajudicial execution that the human rights advocates always said it was (although the U.S. government also says that the human rights treaty does not apply to U.S. agents extraterritorially in any case; for that and other reasons, all things are not equal).

Legally complicated? Yes. But let's not suddenly get all hard-realist and say, "Oh, well, it doesn't matter anyway, that's just lawyers' mumbo-jumbo." We thought the mumbo-jumbo important enough to employ many lawyers to labor writing secret opinions on its legality. Although one can offer a legally defensible, pragmatic, flexible view of the law, one does have to offer it. Self-defense, not combatancy under armed conflict, is in fact the legal category that applies. It is the category that describes the actions President Obama and his predecessors have taken in confronting nonstate actor terrorists with force.

Still, why not the Bush administration's "global war on terror"? As a practical matter, this global characterization has the virtue of being an accurate strategic frame—a global and prolonged struggle, like the Cold War, seeing it as war from a strategic vantage point. From a legal standpoint, it seemingly offers all the flexibility of "self-defense" and the legal specificity of "combatancy" in armed conflict, too. Thus war in a legal sense without territorial restriction, a function solely of where targets happened to be located, anywhere in the world? If the armed conflict is global in that legal sense, then combatants can be located and targeted anywhere (subject to practical policies distinguishing

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ungoverned places like Somalia from London or Bombay). It adopts a "global" legal standard for "aggregating" all the violence, across the world and across time, into a single conflict. On this account, targeted killing in each case, in each place, is aggregated to rise to the level of an armed conflict, and so trigger combatancy.

But this is not the legal case. In the case of nonstate actors, there is a customary law standard (to which the U.S. government has long agreed), and it involves minimum levels of sustained hostilities. Individual incidents of targeted killing will not actually meet that threshold in many instances. More important, this is not how the Bush administration conducted the actual "global" war on terror. Meaning: The Bush administration was not interested, for obvious reasons, in actually conducting hostilities in a zillion places worldwide. What it wanted was to have available to it the legal incidents of armed conflict (as the lawyers say) when it sought to detain, kill, capture, or perform extraordinary rendition on terrorists. Which is to say, it wanted the legal privileges that attach to the actual conduct of hostilities, even in circumstances where it had no intention or desire to conduct any.

This was a bad legal move—not illegal, just imprudent. The tail of law wagging the dog of war. One sees the attractiveness of the frame. If you see it strategically as war, and a global one, then shouldn't your legal frame follow your strategy? Consider that the Cold War was usefully seen as "war" in strategic global terms, too. Yet we never saw every moment, everywhere, in confrontation with the Soviets over forty years, to be a matter of legal armed conflict governed by rules that are supposed to apply in the actual conduct of hostilities. The actual law of armed conflict applied in the Cold War only when there were actual armed conflicts in actual places and theaters.

So the legal basis for targeted killing, Predator drone strikes, and covert action involving the CIA is not really the "combatancy" standard under armed conflict into which we have mistakenly subsided. The United States today needs to reassert and reaffirm something it has never given up—but also not reiterated for a generation—the traditional standard of self-defense. As customary law doctrine, it is not (as some might reasonably fear) utterly discretionary, empty, and standardless. On the contrary, while self-defense does not invoke the technical rules of armed conflict, it does have to conform to the usual, fundamental customary law requirements of necessity and proportionality. Note, too, that insofar as the U.S. military carries out any such attacks, they already adhere to international laws of war and their standards, irrespective of whether the operation is part of an armed conflict in a legal sense.

Whether necessity or proportionality, however, the legal standard for the CIA cannot be lower than the equivalent standard in armed conflict for launching an attack upon a lawful target (and might under many circumstances be higher). But proportionality with respect to collateral damage always raises a special problem. It is customarily stated that anticipated harms, including innocent deaths, must not be "excessive" in relation to the anticipated benefits (to paraphrase from the laws of war). It should never be lower and in some instances possibly higher.

Beyond that, however, one cannot go—if for no other reason than that the international legal standards on proportionality are not more specific. Human rights groups sometimes talk as if there were some decreed standard of proportionality. One to one? Two to one? One to two? Fifty to one? One to fifty? Sometimes they sound as though they have a special moral faculty to spot "disproportionality." But in fact there is no fixed legal standard that goes beyond this obligation on the part of commanders. The law requires a good faith effort to weigh anticipated benefits against anticipated harms. It provides no mathematical formulas, and it is disingenuous, though common, to suggest to credulous journalists and the public that it is more definitive than it is.

For that reason—quite apart from operational security—the CIA has to resist getting into a pissing match with the soft-law community over collateral damage numbers. The best nonofficial, non-CIA-leaked estimates are found at the blog *Long War Journal*, which keeps a running count based on a wide range of public reporting. *Long War Journal*'s tabulations suggest far lower collateral damage rates than the global press seems to believe. Leaks by government officials to journalists on a couple of occasions have expressed the same view—in even stronger terms. (When I have asked reporters about this, they appear to take the view that the more "conservative" way to report civilian casualty figures is to err on the high side, if necessary through that weaselly journalistic locution, "as high as.") Perhaps some mechanism could be worked out for overtly informing the press about the aggregate collateral damage from the now obviously overt targeted killings campaign in Afghanistan and Pakistan. But the U.S. government can't fall into the losing game of arguing with the press and human rights groups over proportionality. The standards and mechanisms for review should be tailored as closely as possible to military standards of review, and left at that.

Making clear that the U.S. government is operating under the legal standard of self-defense would not quiet critics who believe it is all just murder, anyway. But it would provide a public, principled legal position by which this administration and future administrations could defend themselves against the charge of lawlessness. Con-

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gress has an important legitimating role to play in this—to show that the two political branches of government have policies in place that they regard as lawful and defensible, to occupy a ground of lawful national security that would otherwise invite inappropriate judicial entry, and to offer a check on covert actions that sometimes achieve momentum within the executive but, seen by congressional outsiders, raise commonsense questions.

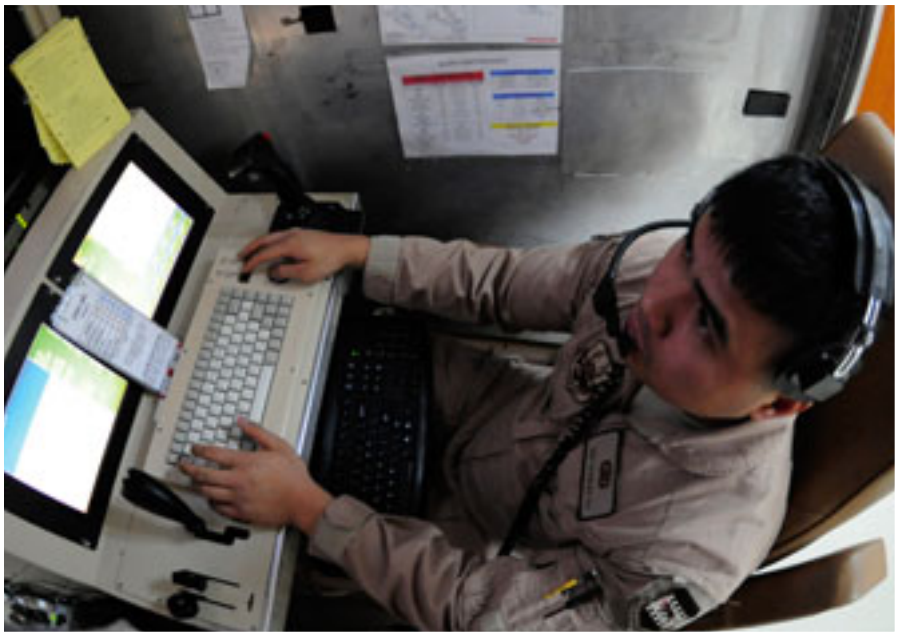
The U.S. government should, moreover, defend what its officers in fact believe to be the case—that targeted killing from drone platforms is not merely a question of hard-edged military necessity, but is also a humanitarian step forward in technology. The president believes that and so does the vice president, and they are correct. These technologies are lessening, not increasing, civilian damage, are being applied in ways (because it is killing that is, indeed, targeted) that lessen collateral damage from what it would otherwise be in traditional war. The U.S. government should react with outrage to the charge, implied or express, of American cowardice or some abstract increased propensity to violence on account of drone strikes, and assert its humanitarian moral ground.

For that matter, hostile journalists ought to be pressed to explain why drone attacks are significantly different from missiles fired from aircraft or offshore naval vessels—save for the vastly greater ability to monitor the circumstances of firing through sensor technologies. Senior officials believe that drone warfare allows the United States to take far greater measure and care with collateral damage than it can using either conventional war or attack teams on the ground. The U.S. government should say so, rather than simply falling back on narrow arguments of military necessity, operational convenience, and force protection, while ceding the moral high ground to the international soft-law community.

But in making its case, the United States government has to be clear that it is reaffirming self-defense as its legal basis, not simply combatancy and not simply armed conflict. Congress—Republicans and Democrats—should endeavor to get the senior legal officials of the Obama administration to say so, on the public record. This will be important down the road for U.S. officials not protected by the aura of the Nobel Peace laureate now in the Oval Office.

The administration itself might consider that a narrow justification of drone strikes under combatancy with respect to al Qaeda and the Taliban, rather than a broader legal basis in self-defense, is most likely to work for it under one circumstance—a one-term presidency. Indeed, the silence of the administration's senior international lawyers, and in particular their failure to defend the practice on a basis broad enough to encompass the circumstances under which it might be used in the next seven years, rather than the next three, might be taken as their implied view of the administration's life expectancy.

The U.S. government ought to consider that, over time, terrorist groups the United States will believe itself compelled to attack will not always be al Qaeda. They may also be found in places beyond Yemen and Somalia, without obvious connection to the existing theaters of armed conflict in Iraq and South Asia. Unless the United States moves to self-defense as its fundamental legal basis for using force against terrorists, it will find itself pushed to revive the discredited "global" war on terror.



Senior Airman Charles Cui, a sensor operator, assists in the flight of an MQ-1 Predator

U.S. AIR FORCE / SENIOR AIRMAN TIFFANY TROJCA

Finally, future administrations, long beyond the Obama administration, may one day have to confront non-state enemies that are not al Qaeda, have no relation whatever to 9/11, and are not jihadists but espouse some other violent cause against the United States. Future presidents will also have to respond with force, sometimes covert force, to such threats. The Obama administration has an obligation to itself and its successors to preserve their legal powers of national security. The United States must use these legal powers or lose them. ♦

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'An Experiment on a Bird in the Air Pump' (1768) by Joseph Wright of Derby

NATIONAL GALLERY, LONDON / ART RESOURCE

Scientific Methods

How and why we know what we know

BY KARL W. GIBERSON

Between 1817 and 1825 the Department of the Seine reported an average of 356 suicides per year for the greater Paris area. The number stayed between 300 and 400. Fourteen percent of the suicides were by firearm, 10 percent by hanging. These numbers were also surprisingly constant, as though the French were trying to be Swiss.

What do such regularities tell us about ourselves, or at least about the French? Are there macabre fixed patterns of human (mis)behavior, to be teased out by the social sciences? Are we like coins that, while individually unpredictable, are quite routine in the aggregate? Toss a thousand coins and you will get around 500 heads; watch 19th-century Paris for a year and 356 Frenchmen will terminate themselves, apparently of their own free will. The suicide rate is easier to predict than the weather.

What Science Knows
And How It Knows It
by James Franklin
Encounter, 230 pp., $23.95

Such provocations comprise the flora and fauna of Australian philosopher James Franklin's engaging, and distinctly Down Under, romp. Franklin is an everyman philosopher, comfortable with the idea that science must know something, especially if you think about it during a "visit to the dentist." The unlicensed critics of science and its methods—part of the plague of postmodernity—have simply got it wrong, even when they get David Hume right: Hume did, indeed, say that we can't generalize without knowledge of "cause and effect," but he was, alas, wrong. Ten percent of the Seine suicides reliably hanged themselves, year after year, and nobody had any idea why they preferred that to the more popular drowning.

Hume was a brilliant philosopher, as we know. But he was a modernist, which means we can dismiss—or "deconstruct," as we now say—all his insights as the product of white male power games. Franklin ups the ante, though, with Hume's 20th-century counterparts, philosophers of science like Karl Popper and Thomas Kuhn. These irrationalists,

Karl W. Giberson is the author, most recently, of Saving Darwin: How to Be a Christian and Believe in Evolution.

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as Franklin calls them, borrowing a term from David Stove, had limited influence on scientists but thoroughly confused everyone else. They failed to understand the simple reality that science advances, although, as citizens of the 20th century, they surely must have noticed it. Popper's infamous (and not entirely useless) criterion of "falsifiability" to distinguish science from nonscience provides no mechanism by which one unfalsified theory might be preferred over another, or how successive passes of this test might endow an insight with certainty.

At what point can we say with certainty that the earth does go around the sun, blood does circulate in the body, and viruses do cause disease? The probability that these scientific discoveries are not true is, in the words of Martin Gardner, who wrote a cover blurb for this book, "indistinguishable from zero." This, of course, is also why we know going to the dentist for a root canal is a good idea, rather than casting about for some other explanation for that pain in our jaw. Thomas Kuhn, apparently, also went to the dentist, despite his confidence that the denticular paradigm of his dentist was merely different and not superior to the one it replaced.

Franklin unleashes his heaviest critical artillery on contemporary postmodern critics of science—the "social constructivists"—whose lyrical nonsense was immortalized by Alan Sokal. The "Sokal Hoax," as it has come to be known, skewered an entire field by getting a rhetorically resonant but entirely vacuous "paper" published in *Social Text*, a leading journal. The "social deconstruction of science" is now widely regarded as academia's most profound encounter with the platonic form of utter stupidity. Its guiding intuition is that "since science is done by people, its explanation should be in the realm of causes acting on people, not the realm of abstract reasons." By these rapidly dimming lights, we should suppose that gravity caught on because of Isaac Newton's charming personality rather than its ability to explain impersonal orbits.

The "enemies of mathematics" get the greatest barrage of derision, especially poor Paul Ernest who, in *Social Construction as a Philosophy of Mathematics*, labored mightily until he had convinced himself that he couldn't be sure that "2 x 3 = 3 x 2." This towering achievement, says Franklin, is a "truly heroic level of refusing to know." Luckily, the feeble gauntlets flung by the social constructivists at science and mathematics have, for the most part, floated off into space. In the final analysis they are as ineffectual as the buttocks that the Siberian Chukchees expose to the wind to make it stop blowing.

After laying waste to the disgruntled critics, Franklin takes the reader on an engaging tour through the culture of science, pausing to talk about grants and patronage, peer review, and the "Psychology of Science." (Physicists and mathematicians, he notes, benefit from having a "touch of autism and introversion.") He laments that the scientific community rarely receives the benefit of its own discoveries. The Internet, for example, was developed at the European Organization for Nuclear Research (CERN) to share physicists' papers but was then given away to the business world where it enabled many people and companies to amass great fortunes using the technology to share pictures of Paris Hilton. If CERN had retained even a small financial interest in this project, their funding would be unlimited and they would probably have found the God Particle by now. "Scientists," says Franklin, need to be "better at sociology, politics, and marketing."

James Franklin is an everyman philosopher, comfortable with the idea that science must know something, especially if you think about it during a 'visit to the dentist.'

Franklin occasionally seems like a wide-eyed science groupie, mesmerized by his subject. And, perhaps, this is an appropriate stance for all of us: We can—and should—wring our hands about nuclear bombs and global warming, but let's not forget that science has tripled our life expectancy and cured so many diseases that many of us have 75 good years, enriched by email, digitized music, and no worries about the bubonic plague. Our hapless ancestors were grateful for 40 bad years. "On balance," says Franklin, the effects of science have been "overwhelmingly for good."

But science—or at least the scientist—has limitations of various sorts. Franklin castigates the ethical lapses in a research study where women were denied beneficial therapies because they were in the "control" group. And he pulls no punches with the Nazi and Japanese experiments on people, accusing those scientists of being mad or suffering from a "touch of autism." Such lapses he calls "gross deformations of the scientific will to knowledge," and not part of science *qua* science.

What Science Knows really comes to life when it explores what science doesn't know, both in terms of its own uncertainty and its intrinsic limitations. Take evolution, for example. (His other case study is global warming.) Franklin asks, "Could something as complex as humans have evolved by chance and natural selection in four billion years?" This is an entirely reasonable question, and one that can certainly be posed by people who actually want to know—as opposed to the brave soldiers fighting evolution in Ken Ham's creation museum. It is also a question that has no good answer right now.

Sir John Polkinghorne once noted that physicists like himself "would like to see an estimate, however rough, of how many steps would take us from a slightly light-sensitive cell to a fully formed insect eye." Richard Dawkins greeted this simple question with derision in *River Out of Eden*, and dismissed it as "a doddle to answer." Dawkins pejoratively labeled Polkinghorne's query an "Argument from Personal Incredulity," and suggested that if people understood big numbers better they wouldn't ask such questions. But these are reasonable questions and, while evolution provides by far

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the best answers that we have at present, the answers are still not great and fall short of the explanations that, say, physics can provide for the phenomena it studies. (Ask a physicist how you can get all the diverse material in the world from protons, electrons, and neutrons, and you will be amazed at how good the answer is.) Chastising polemicists like Dawkins, who once famously described anti-evolutionists as "ignorant, stupid, or insane," Franklin writes that "the complexities of the evidence are such that a higher standard of politeness to skeptics who raise serious problems would be well-advised." Good advice.

Franklin's diplomatic concerns about rudeness go into overdrive in the final chapter and turn into prophetic condemnations of scientists' increasing tendency to wander off the ranch into ethics. Reprising Hume's prohibition against drawing moral conclusions from simple facts, Franklin—now in league with Hume—castigates evolutionary psychology.

To be sure, our evolutionary history has endowed us with habits, like our unbridled enthusiasm for both sex and sugar. Some of those habits, however, motivate noble actions, like caring for children or telling the truth. But this insight into our history offers "no reason at all why we should approve those habits or follow them." Take, for example, E.O. Wilson's insistence that the omnicompetent powers of natural selection in creating our brains "must be pursued to explain ethics." Franklin provocatively compares this to "irrationalist" arguments that the "truths" of mathematics are somehow just hiccups in our frontal cortex. Both exemplify postmodern oversimplifications of the sort immortalized in David Stove's 1985 project titled "Competition to Find the Worst Argument in the World." It doesn't pay to get on the wrong side of James Franklin.

What Science Knows ends paradoxically: "What must the universe contain, at a minimum, if its contents include not only stones, galaxies, atoms, and brains but also beings of moral worth?" The answer is something that Science Doesn't Know. ♦

B&A

Summary Justice

A courtroom isn't the best place to put history on trial.

BY CHARLOTTE ALLEN

'Execution of King Charles I of England at Whitehall' by Gonzales Coques

RÉUNION DES MUSÉES NATIONAUX / BULLOZ

This is a detailed and depressing account of the consequences of using the criminal justice system to punish outrages, usually genuine but sometimes fabricated, that are, for a variety of reasons, outside the bounds of what we think of as criminal law.

As the subtitle indicates, it is not an exhaustive historical survey of political trials. It does not cover such travesties as Stalin's show trials of the 1930s or the routine imprisonment of dissenters by the Castro regime. Rather, it examines a specific subset: the trials of former heads of state and their top officials by the victors who unseated them in wars or political coups. The post-World War II Nuremberg trials that resulted in war-crimes convictions of highly placed Nazi operatives fall into this category, as do the numerous Soviet-instigated judicial purges of non-Communists in Eastern Europe during the early Cold War years, the trials of Romania's Nicolae Ceausescu and East Germany's Erich Honecker at the end of the Cold War, and most recently the 1998 genocide conviction of the former Rwandan president Jean Kambanda, the genocide trial of the former Yugoslavian president Slobodan Miloševic, and, finally, the 2006 trial of Saddam Hussein.

A History of Political Trials
From Charles I to Saddam Hussein
by John Laughland
Peter Land, 315 pp., $19.99

As Laughland narrates it—and the data he supplies are compelling and carefully annotated in exhaustive footnotes—all of these proceedings, whether of Nazi mass murderers or of Czech and Hungarian nationalists whom the Soviets wanted to see dead, were marked by egregious violations of fundamental legal principles that have

Charlotte Allen is a contributing editor to the Manhattan Institute's Minding the Campus *website.*

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marked civilized societies since Roman times but are all too typical of political trials, especially under the hastily convened international tribunals that seem to be *de rigueur* under current definitions of human-rights violations.

These include convictions under dubious conspiracy theories and *ex post facto* laws (typically created by human-rights internationalists), selective prosecutions (the Nuremberg prosecutors turned a blind eye to the Katyn massacres and other Soviet atrocities, and Stalin dispatched to Nuremberg the notorious Andrei Vyshinskii, chief prosecutor of the Moscow show trials, to keep an eye on the proceedings and make sure that no mention of the Nazi-Soviet Pact ever entered the courtroom); blatantly biased judges who, in some cases, doubled as prosecutors; reliance on hearsay and other evidence that would be inadmissible in an ordinary criminal trial; denial of such basic rights as the right to confront witnesses or even to prepare an adequate defense; the conspicuous absence, in many cases, of any right to appeal death sentences; and the criminalization of speech that would merely be condemned as morally repellent in any free society.

The sentence of execution by hanging meted out at Nuremberg in 1946 to Julius Streicher, a Nazi journalist whose anti-Semitic newspaper *Der Stürmer* specialized in vicious racial and religious propaganda but who neither held any government position with the Third Reich nor played any role in the war or in the Holocaust, set a precedent for the routine prosecution of offending journalists by Communist governments alongside the onetime heads of state whose actions the writers had supported. Not surprisingly, a "zero percent acquittal rate" has been the rule in such trials, Laughland writes. (Which is not entirely true: Three of the 24 Nuremberg defendants escaped conviction, only to be subsequently arrested and convicted in other forums. But it is certainly true for deposed heads of state, from Charles I on down.)

It is difficult to summon up much pity for Julius Streicher and his fellow defendants, or for a mass murderer and mass torturer like Saddam Hussein. Yet it is equally difficult to conclude that the judicial proceedings that resulted in their executions comported with legal justice, as contrasted to the rough justice under which we might say they got what they deserved. Three lawyers on the defense team for Saddam and his Baathist party codefendants were assassinated in the civil strife that followed the U.S. invasion, and two of the judges on the Iraqi Special Tribunal formed to try Saddam for war crimes and crimes against humanity resigned. One of those, Rizgar Amin, the presiding judge, claimed interference by the new Iraqi government formed in 2005. The Baathist defendants also maintained that witnesses had been murdered. Saddam's chief defense lawyer asserted that his client had never been allowed to confer confidentially with him, and that Saddam had not been presented with a full account of the charges against him until six months into the trial after being arrested.

Say what you will about Ramsey Clark, Saddam's lawyer—and there is plenty to say about this career anti-American blowhard who has advocated bringing criminal charges of genocide against President George H.W. Bush and impeaching his son George W. Bush, as well as never having heard of, much less met, a terrorist who didn't arouse his sympathy—infringement of the right to counsel and the right to a proper written indictment would have been regarded as intolerable had Saddam been an ordinary accused multiple felon in a downtown courthouse in the United States. Mind you, we are not talking here about military proceedings against suspected enemies captured abroad, as at Guantánamo, but about trials of citizens in civilian courts presided over by judges ostensibly dedicated to imposing a more just standard of justice than prevailed under the regimes that the various defendants once represented.

The problem, as Laughland points out, is not so much the gross procedural and jurisdictional irregularities that have marked nearly all these trials, but the fact that such proceedings are not really trials at all but political dramas whose double aim is to get rid of troublesome characters with some semblance of legality and establish by powerful moral symbolism the legitimacy of the government that succeeds them. Hence the book's opening with the trial and death sentence of Charles I, "the paradigm for all future trials of heads of state." Charles is customarily regarded as a despot who invoked the medieval divine right of kings to justify a rule of tyranny against a Parliament that stood for nascent constitutional democracy. In the words of *1066 and All That*, Charles and his dashing Cavalier supporters were "Wrong but Wromantic" while Charles's Puritan deposer, Oliver Cromwell, and his parliamentary Roundheads were "Right but Repulsive."

In fact, says Laughland, the Puritans who tried Charles for treason after winning the civil war of 1648 were not only repulsive but wrong as well. At his trial Charles never claimed to be above the law by reason of divine right but rather that, as head of state, he was immune from criminal prosecution because his acts were acts of state. (This identification of the ruler with the state persists to this day in Britain, where criminal prosecutions are filed, at least nominally, by the queen.) Charles declared memorably:

> For if Power without Law may make laws, may alter the fundamental Laws of the kingdom, I do not know what subject he is in England that can be sure of his life, or of anything that he calls his own.

While Cromwell's Parliament claimed to abrogate this principle of sovereign immunity by declaring that the law treated all—even the king—equally, Laughland points out that Parliament merely transferred ultimate sovereign power from the king to itself. He writes:

> This is inevitable: all political systems repose, in the last instance, on such unimpeachable authority, and in spite of all the rhetoric about overcoming the logic of sovereignty, it is in fact impossible to escape it. Anyone who tries to do so is simply like a dog chasing its own tail.

For that reason, judicial efforts to hold former heads of state accountable for their sovereign acts in criminal court have yielded outcomes that, when not

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outright monstrous—the the trial of Louis XVI in the Terror, Communist prosecutions for pro-Nazi sympathies of political moderates who were in fact anti-Nazi—are logically ludicrous. Laughland describes the trials of the leaders of France's Third Republic by the Pétain regime in Vichy for engineering France's capitulation to the Germans in 1940, trials that were followed at war's end by the trials of Pétain and his Vichy underlings *on nearly identical charges*.

After the reunification of Germany in 1990, the German government put Erich Honecker, the Communist head of East Germany from 1971 until his forced resignation in 1989 just before the collapse of the German Democratic Republic, on trial for his alleged involvement in the deaths of more than 200 East Germans who had been shot trying to escape to the West. Besides maintaining that there had never been direct government orders to shoot, Honecker raised the cogent legal argument that one state (reunified Germany, essentially the same entity as the former West Germany) had no jurisdiction to try the head of another state (the old East Germany) for crimes allegedly committed there. He noted the additional irony that East Germany had been recognized as a legitimate entity by more than 100 countries, had occupied a seat on the Security Council, and had signed a treaty with West Germany in 1972. Honecker further argued that it was a little late to claim, as the prosecution did, that East Germany had been an illegal entity, adding that while he accepted full political responsibility for the Wall-related deaths, he protested the legitimacy of trying him for criminal homicide under what was essentially West German law.

Unfortunately, as Laughland's book slogs through nearly two dozen narratives replete with examples of such irregularities, it tends to lose focus. The two final chapters, dealing with the Miloševic and Saddam trials, degenerate into High Tory reflexive anti-Americanism, with NATO and the simple-minded "neoconservatives" of the Bush administration as his chief targets. Laughland is certainly correct that the stories of Serbian massacres of ethnic Albanians in Kosovo and elsewhere, along with their attendant mass graves, turned out to have been exaggerated by several magnitudes. It is also difficult, on surveying the Serbian-Bosnian-Croatian mess of the 1990s, to which the anti-Serb Kosovo Liberation Army contributed its own share of bloodletting, to distinguish between genuine genocide and particularly nasty warfare between ethnic groups that have detested each other for centuries. Something similar might be said about the Hutu genocide of the Tutsi in Rwanda in 1994, to which ex-President Kambanda pleaded guilty. As Laughland tells it, the Tutsi engaged in a fair amount of murderous ethnic cleansing of their own.

Still, it is unnerving—and certainly undermines credibility—for a self-described foe of international criminal tribunals and human-rights enthusiasts seeking to override national sovereignty suddenly to start complaining that the American invasion of Iraq lacked U.N. authorization. Or that the Bush administration's desire to rid Iraq of Saddam Hussein, gasser of his countrymen, somehow violated the Hague and Geneva conventions. Laughland's last chapter leaves the reader with the impression that what he would really like to see is a political trial of George W. Bush. Throughout, Laughland tosses about the word "Manichaean" indiscriminately, sometimes as a synonym for "millenarian"—probably an apt description for the Puritans who executed Charles I, hoping to introduce the reign of God in his stead—and sometimes in reference to simple souls who think that there are such things as good and evil and that the latter is worth fighting.

This is unfortunate, because *A History of Political Trials* is an important contribution to discourse about the vexing problem of how free and civilized societies ought to deal with vanquished leaders of regimes that oppressed their citizens and constituted a threat to civilization. The ancient Meso-Americans sacrificed the losers in battle to the gods. The Romans displayed conquered rulers as trophies in their generals' triumphs, then either executed them summarily or hoped they would commit suicide. Modern society is more squeamish, not only about waging war itself (the Nuremberg tribunal essentially criminalized war) but about how to deal with our conquered enemies.

Rather than summary executions or lifelong imprisonments, we prefer to clothe our treatment of ex-tyrants with the trappings of legal proceedings, under the theory that meting out impartial justice will remind heads of state that they are not above the law. And yet, in order to exact what we deem appropriate justice—that is, secure convictions every time—we make travesties out of those legal proceedings, doing away with such niceties as impartial judges, rules of evidence, and the traditional ban on retroactive laws.

Exactly this sort of sentiment is at work in the Obama administration's dumbfounding decision to try the confessed (by all reports) 9/11 mastermind and Guantánamo detainee Khalid Sheikh Mohammed in a civilian federal court in Manhattan—or rather, anywhere but Manhattan after New Yorkers raised hell about having an alleged al Qaeda terrorist in the docket trying to sway the judge with his waterboarding defense only steps away from the site of the 2001 atrocity that he reportedly admitted organizing. The only way that Obama's people seem to be able to assuage the moral outrage is to assure everyone that Khalid is "likely to be executed," as White House press secretary Robert Gibbs declared on CNN's *State of the Union*. Naturally that's what we'd all like to see, but it hardly comports with traditional notions of an impartial and unbiased trial.

Laughland does offer some suggestions about how to remedy this kind of situation, which is essentially to abandon the political component of war crimes trials and concentrate not on acts of state but on actual offenses against the just conduct of war, conducted not before international tribunals but before judges in the jurisdictions where the crimes occurred. Ironically, such modest goals ought to have made Laughland more sympathetic to the United States: He recommends, for example, the expanded use of courts-martial to try war crimes rather than tribunals run by "civilian intellectuals,

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lawyers who have never been professional soldiers and who do not know what it is like to be in the heat of battle." Hmm, sounds a bit like a case for Guantánamo—and sounds like left-handed praise for the American refusal to sign onto the International Criminal Court, exactly the sort of high-minded symbolic forum without citizen accountability that Laughland decries.

Too bad Laughland is so preoccupied with America-bashing that he can't see that the United States might offer some ways of getting rid of the political show trials that systematically marred 20th-century justice. ♦

B&A

Heilman of Letters

Teacher first, critic second, guardian of values.

BY JAMES SEATON

The New Criticism of Cleanth Brooks and Robert Penn Warren, of John Crowe Ransom and Allen Tate, first gained national attention in the 1940s, though the criticism of precursors like I.A. Richards and T.S. Eliot had been appearing since the '20s. Brooks's *Modern Poetry and the Tradition* came out in 1939, and Ransom published *The New Criticism* in 1941. Probably most influential in spreading the New Criticism to classrooms throughout the United States were the "Understanding" anthologies: Brooks and Warren's *Understanding Poetry* (1938), *Understanding Fiction* (1943), and *Understanding Drama*, edited by Brooks and Robert Heilman (1948).

Robert B. Heilman
His Life in Letters
edited by Edward Alexander, Richard J. Dunn, and Paul Jaussen
University of Washington, 808 pp., $60

A large part of the success of the New Criticism derived from its demonstration that literary criticism could be an academic discipline. The older emphasis on bibliographical and historical studies provided little or no guidance in distinguishing good poetry from bad other than personal taste or sensibility, qualities that could not be taught. Judgments about poetry and literature were ultimately inexplicable; you either got it or you didn't. There was a general feeling in English departments that people from non-English-speaking countries, and Jews from anywhere, couldn't get it. It therefore followed that aspirants for teaching positions from such groups, no matter how intelligent they might seem, were not really qualified to teach in prestigious departments of English. (It took the personal intervention of President Nicholas Murray Butler to get Lionel Trilling on the tenure track at Columbia.)

The New Criticism changed all that by demonstrating that the literary quality of poems and stories could be analyzed, discussed, and demonstrated by close reading and analysis of the text. Almost anybody willing to make the effort could come to understand how a poem or a short story worked. Poetic greatness was no longer something mysterious, capable of being grasped only by those with the right blood or proper cultural heritage. It was open to inspection, analysis, and debate. Criticism was not merely arbitrary impressionism but a discipline that could be taught.

Although its effect in the classroom was to open up the study of literature to all those willing and able to make the requisite effort, the New Criticism was condemned in the 1960s as politically reactionary. The new critical emphasis on irony, ambiguity, and paradox did, indeed, cast suspicion on poems and stories whose literary rank derived less from literary merit than from the affirmation of an unironic, easy-to-understand political message confirming the politics of those doing the ranking.

Not that the new critics were alone in this suspicion. Lionel Trilling had argued in *The Liberal Imagination* that the novels of writers like Sinclair Lewis and John Steinbeck were ranked far above their literary deserts only because their messages affirmed the progressive worldview. But at least Trilling was himself a liberal, if a contrarian one, and a New Yorker. Some of the original New Critics, on the other hand, were Southerners, and at least three of the major figures (Ransom, Warren, and Tate) were on record supporting the culture of the South against the North in *I'll Take My Stand* (1930), an anthology that both criticized the industrial North along lines that would later be taken up by environmental critics usually associated with the far left, and defended segregation as part of the Southern way of life. It was all too easy to move from justified opposition to the racism expressed in *I'll Take My Stand* to an unjustified attack on the New Criticism's focus on "the text itself" as somehow implicitly racist.

Not all the new critics were Southerners, of course. Robert Heilman coedited *Understanding Drama* with Cleanth Brooks and wrote the first new critical studies of Shakespeare, including book-length analyses of *Othello* and *King Lear*. Heilman was of Pennsylvania Dutch ancestry, earned a doctorate at Harvard, and lived in Seattle from 1948 until his death at 98 in 2004. He did spend 12 years (1935-48) at Louisiana State, where he found Brooks and Warren already beginning their collaboration on the series of textbooks that included *Understanding Poetry* and *Understanding Fiction*.

The publication of Heilman's letters, edited by Edward Alexander, Richard Dunn, and Paul Jaussen, with an eloquent and moving introduction by Alexander, provides an opportunity to see the outlook of a representative New Critic tested over six decades, including 23

James Seaton, professor of English at Michigan State, is the editor of George Santayana's The Genteel Tradition in American Philosophy *and* Character and Opinion in the United States.

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years (1948-71) as "Executive Officer" of the English Department at the University of Washington. The volume is made all the more valuable by the inclusion of letters to Heilman from figures like Brooks, Warren, Malcolm Cowley, Kenneth Burke, and Joseph Epstein, as well as allies and adversaries at LSU and the University of Washington.

Allen Tate, Merrill Moore, Robert Penn Warren, John Crowe Ransom, Donald Davidson at Vanderbilt, 1956

Heilman's South was the Louisiana of Huey Long. Seven days after he arrived in Baton Rouge, Heilman and his wife walked over to the state capitol in time to see then-Senator Huey Long on a visit to the legislature and, a few minutes later, hear the shots that killed both Long and his assassin. In the North, Long was known "only as a dangerous threat to American political well-being," while in Louisiana, his death "was followed by the surprise of seeing hundreds of mourners . . . come in from all over the state and camp on the Capitol grounds for the several days before the Long funeral," Heilman remembered in a 1985 essay.

The development of Louisiana State into a truly distinguished institution of higher learning owed a great deal to Huey Long, Heilman came to believe, even though Long's most obvious interest was "football and the band." James M. Smith, the president of LSU when Heilman arrived, was "a Huey Long henchman" whose presidency ended when he was convicted of "using state funds in a grandiose stock-market venture that didn't quite come off." But this same Smith provided the funding for *The Southern Review*, which quickly became one of the most consequential literary quarterlies of the century, only to be shut down in 1942 by a reform administration whose strict accounting took no notice of literary excellence. Reflecting in 1991 on his move decades before from LSU to Washington, Heilman told Edward Alexander, "I found the faculty atmosphere here totally dominated by liberal dictatorialism. . . . It made me almost nostalgic for the Louisiana atmosphere of let's-all-be-a-little-crooked-and-let-live."

In his letters, Heilman often remarks on the liberal ambience of Seattle in general, and the University of Washington Department of English in particular. His comments rarely if ever have to do with political disagreements; he does observe that the department's group mentality discourages any disagreement on any subject that might make any member of the group uncomfortable. Shortly after he became chairman he wrote in a 1949 letter to the philosopher Eric Voegelin, "As soon as one stands for something—like not promoting people just because they are advanced in years, good citizens, pleasant fellows, and beloved of their colleagues—one becomes a Public Enemy." Teaching in the English department at Washington, he felt "as though I were in a completely foreign country," he writes to Cleanth Brooks in 1949, in part because (as he had explained to Voegelin a month earlier), "Here, we dispose of all evil by having a committee meeting." Everybody was nice, which perhaps was part of the problem: "The dept is a collection of easygoing, ordinary, extraordinarily decent people, with a lot of literary interest and little productivity," he wrote to Robert Penn Warren in 1948.

Heilman objected not so much to political liberalism as to the use of liberal attitudinizing to make the world, or at least the department, safe for intellectual slackers, as he wrote in 1951 after becoming department chairman:

> American faculties generally are more concerned with protecting themselves than with anything else in the world . . . tend as far as possible to make life comfortable for mediocrities. If they had half the passion for professional excellence as they have for righting wrongs or pseudo-wrongs or imagined wrongs, there would be—well, maybe there'd be more excellence.

At the University of Washington Heilman did his impressive best to stand up for literary and scholarly merit without reference to politics. He urged the appointment of Malcolm Cowley to a visiting lectureship, despite Cowley's fellow-traveling past, on the grounds that his "status as a man of letters is unquestioned." He later defended the decision for "two hours talking to a committee of the American Legion . . . endeavoring to convince them that Mr. Cowley is neither politically nor morally dangerous," as he put it in a 1949 letter. That same year Heilman had the support of the university president in supporting Cowley, but in 1952, in

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defending Kenneth Burke for a visiting appointment, a different president was one of the people he had to convince. Heilman wrote to Cleanth Brooks in November that "most of my fall has been shot in exchanging communications with our new idiot-boy president . . . on whether Kenneth Burke is a Kremlin agent and can be risked for ten weeks of talking to graduate students without subverting the whole damn state of Washington."

Heilman aimed at a "middle way" between giving in to political pressures and going out of the way to "outrage suspicion by looking for dubious appointments." Writing to the new president as the "Executive Officer" of the department of English, Heilman offered this rationale:

> The ideal procedure is the middle way: Find the best people we can get (who simply by virtue of being the "best" could never be a party to political plots and tyrannies), present quietly but firmly the justice of the appointment, resist steadily the intrusion of irrelevant arguments, get the man here, and let him be judged by his performance here. The presence of quality in the department is the only thing we can stand on, and the only way, ultimately, of defeating a suspicion that special interests are being served.

The overriding importance of literary merit was a constant theme in the arguments on behalf of Theodore Roethke that Heilman had to make over and over when the renowned poet suffered one of his periodic bouts of mental illness and could not teach. When Heilman came to Washington, in 1948, he did not quite know what to make of Roethke. He wrote to Cleanth Brooks that Roethke "is doing a bull in a china shop act around here, and I can't make up my mind, on so slight an acquaintance, whether all this is the forgivable eccentricity of genius, or the talented man's bid for recognition as a genius." On further acquaintance, Heilman decided that Roethke was indeed a genius, and as chairman he defended Roethke against all comers. In 1959 the university's provost, responding to questions by a state legislator about Roethke's numerous sick leaves, passed them on to Heilman. After making the businesslike observation that Roethke's sick leaves "amount to very little more than the sabbatical leaves that . . . would have accrued," Heilman mounts a truly eloquent defense in his reply:

> Under any circumstances, the University has some obligation to staff-members who become ill. Surely this obligation is intensified in the case of individuals who have rendered extraordinary services to the University. But quite aside from obligation, there is a real sense in which payment during sick leave is a payment for services which *continue to be rendered* even if the individual is unable to meet classes. In this sense, Roethke may be almost in a class by himself . . . what he has done for us in a little over a decade is an extraordinary service. I *believe he has done more to make us known favorably as a university than any other single person on the staff*. . . . In all of these ways—teaching, developing interest in a great literary form, training writers who themselves go on to become known, and doing his own distinguished writing which has won all *kinds of acclaim—Roethke is performing what I call a continuing* service to the University, which goes on whether he is ill or well.

Heilman's most difficult days as chairman came in 1970, near the end of his tenure, when he came in conflict not with state legislators or university administrators but with members of his own department over his recommendation of Robert Stepto, then a Stanford graduate student, to teach courses in American literature and African-American literature. In retrospect the recommendation seems admirably prescient; Stepto, currently professor of English, African-American studies, and American studies at Yale, has had a distinguished academic career. In 1970, however, Stepto's appointment was opposed by the African Americans already in the department despite his already impressive credentials. One wrote to Heilman, "Your decision to recommend Mr. Stepto . . . clearly reflects a lack of respect for the Black studies program, its director, the larger black community of the university, black literature as a subject of study, and finally, black people."

The letters to Heilman from Charles Johnson, surely the department's best-known writer since Roethke, tell another tale. Johnson, an African-American philosopher and fiction writer, whose novel *Middle Passage* won the 1990 National Book Award, repeatedly praises Heilman for his meticulous, thoughtful responses to Johnson's work, most written long after Heilman had retired not only from the chairmanship but also from teaching. In a 1988 letter Johnson wrote:

> I can't tell you how much I appreciate the note you sent me after reading Sunday's article. Your opinion means a great deal to me and, to be honest, I'm somewhat awed by the example of service and excellence I've seen for the last 12 years here in your writing, your direction of the English Department. . . . I can't tell you how delighted I am to have the privilege of knowing you for all these years.

Nine years later Johnson offered similar praise and gratitude:

> Of the 70 or so people I gave copies of the *African American Review* issue to, none—I mean NONE—returned to me as thoughtful and closely read a reaction as the one I received in your two letters. . . . Today we need, I believe, 10,000 more scholars and colleagues like yourself. Thank you for your excellence, your friendship, and your example.

Reading these letters makes one eager to go back to Robert Heilman's books and articles, but it also arouses the suspicion that it may be his letters even more than his critical works, fine as they are, that have the most lasting interest. Heilman's generous comments about the letters of Rolfe Humphries are certainly applicable to his own:

> There is a lot of reflection of such elements of personality as human beings are always interested in. . . . He is often very witty. He writes a good lively informal prose. He has good sense. . . . He is never pompous, even when being carefully magisterial.

The editors can be proud of their work in assembling this monument to the humanity, integrity, and hard-earned wisdom of one of the foremost of those New Critics whose humanistic legacy has for decades been too often either neglected or distorted. ♦

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B&A

In Plain Sight

The evolutionary instinct to disguise and deceive.

BY ANN MARLOWE

When I began *Dazzled and Deceived* I was disappointed to see that I'd have to read five chapters on mimicry in the natural world before I got to my particular interest, military camouflage in the First and Second World Wars. Five chapters on insects? What motivated me to pick up *Dazzled* was the question of why the world's militaries rather suddenly developed an interest in disguising themselves around the time of World War I.

Dazzled and Deceived
Mimicry and Camouflage
by Peter Forbes
Yale, 304 pp., $27.50

But I found myself caught up in British nature writer (and poetry editor) Peter Forbes's account of the late 19th-century fascination with mimicry and the way it influenced Darwin's theory of natural selection. The late 19th century was the golden age of mimicry, and some imitative species discovered in the early 19th century, like living stone plants, received more attention a hundred years later.

Are there reasons beyond biology why this might be so? I wish Forbes had pushed harder to tease out the intellectual history and cultural context in which interest in mimicry came to the fore. Perhaps part of the answer is the invention of photography and the divergence of painting from pure representation? But Forbes, the author of *The Gecko's Foot* (2005), is more interested in nature. He explains how mimicry raised the ultimate philosophical questions in Victorian biology: What are variations, hybrids, and species? What is the role of warning coloration versus sexual selection in evolution? Occasional mutations of harmless butterflies that looked like neighboring toxic species were favored by natural selection, and eventually evolved into distinct mimic species. In some places, several different toxic species all looked alike.

In many cases, good explanations had to await the discovery of DNA. Some mysteries are still being unraveled. I never knew, for instance, that insects see beyond the color spectrum we can see, all the way to the ultraviolet. In ultraviolet light, the Australian white crab spider is highly visible to bees, and flowers where it perches seem more brilliant and enticing. But local bees are catching on to the game and avoiding super-white flowers. That's evolution in action. Or consider that mimetic butterflies inherit a mating preference for others who look like them. The spinning-out of this particular story raises fundamental issues about what a species *is*.

Forbes has convinced me that, without a grounding in the natural origins of human-designed camouflage, I'd have a superficial understanding of the intellectual history of this aspect of warfare. Knowing that concealment strategies in nature were all the rage in late 19th-century biology, it's not surprising to learn that several thinkers simultaneously came up with the idea of disguising ships from attack. More interesting still, the strategies these men advocated for ship camouflage often derived from their theories about how concealment worked in nature.

The most important *camoufleur* was a puritanical, obsessive New England painter, Abbott Handerson Thayer. The eponymous Thayer's Law refers to countershading, "the gradation between the back and the belly of an animal." Thayer saw countershading everywhere in nature, and warning coloration nowhere, which influenced his military ideas. When the Spanish-American War began in 1898, he advised the Navy on disguising ships (although it wasn't done), and in 1902, he patented the idea of applying countershading—upward facing parts darker, downward facing parts white—to naval vessels. Thayer also identified what would come to be known as disruptive coloration, which was applied in World War I as "dazzle" painting.

As Forbes explains disruptive coloration:

> By breaking the shape of the creature into large, seemingly random patches of colour, the characteristic outline of the creature can to some extent be obscured. As humans are large creatures, and their artifacts often larger still, this principle is more important in human camouflage than attempts at total invisibility.

The Scottish zoologist John Graham Kerr had noticed in 1895 that the then-standard battleship gray for ships "falls short of what is attained by nature" by way of disguise. In September 1914 he wrote to Winston Churchill, first lord of the Admiralty, about his method for disguising ships, and his ideas were considered—but eventually the navy decided that gray was still the best option given the varying times of day, degrees of light, and times of year with which ships must contend.

A third figure, an English marine painter named Norman Wilkinson, apparently without knowledge of camouflage in nature, also advocated breaking up the outline of ships by painting them in black and white stripes. A lifelong sailor, he'd joined the Royal Navy at the outbreak of World War I and, by 1917, was bitten by the "dazzle" bug as well.

Each had slightly different goals: Wilkinson hoped to make ships harder to hit by torpedos when sighted by submarines; Kerr thought in terms of avoiding gun attack; Thayer thought white made ships nearly invisible (or made icebergs invisible at night, as the

Ann Marlowe, a visiting fellow at the Hudson Institute, is working on a book about perspectival culture and the origins of counterinsurgency theory.

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Titanic crew discovered). These goals would be debated after the war, when Kerr and Wilkinson competed to be known as the originator of dazzle; but it was Norman Wilkinson, charismatic and socially skilled, who was tasked by the navy to set up a camo unit.

One of the painters Wilkinson recruited was Edward Wadsworth, a British vorticist. I happened to see two of his black-and-white World War I-era woodcuts of dazzle ships ("Dock Scene" and "Liverpool Shipping") in an exhibit in Miami's Wolfsonian Museum while reading Forbes's book and was struck by the way dazzle seemed so dated, so of its time. Exuberant Vorticist evocations of what then was experienced as modernity, they are now as obviously picturesque as Canalettos.

Forbes is clear that dazzle was almost as much a cultural artifact as a useful military tactic. Ship camouflage didn't turn out to be very effective: In a Royal Navy study of the 2,367 ships that were painted with dazzle, it was found that more were attacked and more lost or damaged, but slightly fewer of these were sunk. So the usefulness of dazzle was inconclusive, although an American study of 1,256 camouflaged ships showed slightly better results for dazzle. But then, as the Israeli military theorist Martin van Creveld puts it, "In any particular kind of war, the meaning of 'victory' is decided as much by convention—tacit or explicit—as it is by actual physical results."

By the time of the Great War, camouflage was in the zeitgeist—whether or not it worked. Forbes points out the "connection between disruptive coloration and cubism's breaking up of the outline into facets." But Thayer, Wilkinson, and Kerr, at least in Forbes's account, made nothing of it. It was Picasso, in Gertrude Stein's famous testimony, who noted the link, reacting to a camouflaged truck in Paris at the start of the war by claiming, "Yes it is we who made it, that is cubism."

Forbes also makes a novel point about cubism and camouflage:

> The tendency towards colour for colour's sake, so notable in many of these [avant-garde] movements, was reversed in cubism. The palette was, more or less entirely, muddy greens and browns—earth colours, camouflage colours.

Interestingly enough, while ships and gun emplacements were painted with camouflage or disruptive designs, only snipers wore camo in World War I and the general run of combatants were *not* garbed in camo, even in World War II. (Part of the reason is that it was hard to mass-produce.) Abbott Thayer was an early proponent of disguising military uniforms, harassing the War Office on the subject; but the snipers' uniforms worn after 1916 were derived from Scottish deerstalkers' gillies!

Oddly enough, Forbes doesn't cite a 2002 book by Roy Behrens, *False Colors: Art, Design and Modern Camouflage.* Behrens discusses the use of camo in the two World Wars, with profuse illustrations and some fascinating discussions of modern art that go beyond Forbes's examples.

Mimicry in flora and fauna may be innately fascinating to humans because we are mimics from babyhood. And mimicry is related to mimesis, representation, the source of all human communication, art, and learning. Louis Menand wrote recently that "[Marcel] Duchamp eliminated the element of imitation in art, and [Andy] Warhol imitated him." It's an insight that resonates more fully after reading *Dazzled and Deceived.* ♦

B&A

The Bronzino Age

Recognition for a master in the shadow of the Renaissance. **BY JAMES GARDNER**

The prospect of seeing Agnolo Bronzino's drawings may not send everyone running to the Metropolitan Museum, but then again it may: Consider that, in the five centuries since his birth, this Met exhibition is the first ever consecrated to the Florentine master. Nobody seems entirely sure why it has taken so long, given that many a lesser luminary was honored long ago with a full-scale retrospective. Nor is there any particular reason why the show should have been mounted in this particular year, which represents no special milestone for the artist (1503-1572). But whatever the reason, 2010 is turning into a fine time to be Agnolo Bronzino, not only because of the Met's exhibition of his drawings, but also because of an exhibition of his paintings that will open in the autumn at the Palazzo Strozzi in Florence.

The Drawings of Bronzino
Metropolitan Museum of Art
January 20-April 18

James Gardner recently translated Vida's Christiad *(I Tatti Renaissance Library).*

As for this Met exhibition, it has the rare distinction of being very nearly definitive. Of the 62 surviving drawings that are generally attributed to the artist, all but two are on view here. Indeed, the show is so definitive that it may even contain a few more drawings by the artist than actually survive, if you take my meaning.

As Italian Renaissance artists go, Agnolo Bronzino ranks very high, but not supremely high. That is to say, although many people know about him, he will never achieve the sort of pervasive celebrity of Raphael or Leonardo or those two other titans after whom the tetrad of mutant ninja turtles were named a few years back. As an artist, he is obviously and instantly admirable: the porcelaneous smoothness of his flesh passages and the unflappable nobility with which he imbues the Florentine aristocracy have no precise equivalent in the corpus of Western art. But for those very reasons and because of the brittle, often arid precision of

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his line, Bronzino seems, by design, to deflect all human warmth.

Though he is one of the defining spirits of the Mannerist movement, his mannerism has little use for the sinuous vivacity of Parmigianino: In the portraits that make up most of his career, Bronzino slows the blood-flow of his pale, pulseless sitters until, as though through petrifaction, they are transformed into alabastrine statues of themselves. Consider his portrait of the lovely Eleonora of Toledo, wife of his foremost patron, Cosimo I, grand duke of Tuscany. She is enthroned beside her infant son Giovanni. If we buy into the fiction of this painting—and it probably was fiction—we can easily imagine that mother and child never embraced or even spoke to one another, so cool and impassive do they seem. Neither here nor in Bronzino's other portraits can there be serious talk of psychological penetration; you need a soul for that, and the superior beings who populate his canvases are too refined ever to stoop to human frailty.

For many decades, even until fairly recently, Bronzino was identified with these portraits to such an extent that his many ambitious narrative works, if they were known at all, seemed to be a distraction from his true talents. In fact, the paintings that he devised for the Chapel of Eleonora of Toledo are some of the most dazzling of the mid-16th century. Here, as in his designs for the tapestries in the Vecchio Palace and the Pitti Palace, Bronzino exhibits a compositional sophistication that represents one of the high-water marks of the Mannerist movement.

From Venice to Florence to Rome, the second half of the Cinquecento was the age of big paintings: By the yard, it seems, the artists of Italy unfurled these very uneven labors and leavened and diffused their paint textures accordingly to accommodate their vaster scale. Not so Bronzino, who paints his grand narrative works the way he paints his portraits, one inch after another. This imbues works like the eight-foot-tall "Lamentation" in the Vecchio, and the even larger and better "Lamentation" in Besançon, with an overdetermined quality that, in its insistent realness, takes on an almost surreal quality. These narrative works reveal unanticipated excellencies that Bronzino had little or no opportunity to display in his portraiture; in depicting flesh, as in Christ's bared torso in Besançon, the painter is about as accomplished as can be. And the blue that dominates the composition reveals a chromatic *savoir faire* as deft and original as anything attempted by even his greatest contemporaries. Finally, regarding the compositional arrangement of figures at various points in "The Crossing of the Red Sea" in the Vecchio, only Michelangelo, among the living, could possibly surpass him.

'Head of a woman' (1542-3) by Agnolo Bronzino

But these are Bronzino's paintings, and the works on view at the Met are drawings that often diverge wildly from the works for which they were mostly preparatory studies. While some of the artist's contemporaries, like Michelangelo, occasionally produced drawings as finished works in their own right, Bronzino uses them as a tool in developing the finished painting.

Concerning these drawings, Bernard Berenson made an interesting point: If we were to compare those of the famous Bronzino with others by his more obscure contemporary, Giovanni Battista Naldini, on the basis of what survived, "they would change places, Naldini rising to reputation and Bronzino sinking into obscurity." Berenson believed that the relative rarity of Bronzino's drawings could be attributed to the fact that, "aware of his dullness as a draughtsman, he made away with his sketches."

Berenson's point is interesting not because it is true with regard to either Bronzino or Naldini, but because it raises some important questions for the critic. Painters are no more obliged to draw beautifully than violinists are required to tune their instruments *con affetto*. In each case, the act is (or can be) a purely functional prelude to the real cultural act, which is the finished painting or performance.

Now it is one of the clichés of criticism—especially when Modernists turn to consider the Old Masters—to assert that drawings are more lively, spontaneous, and process-oriented (and therefore better) than the finished product that is the painting. Though the drawings on view at the Met do, indeed, reveal something of the artist's processes, it is not correct to say that they reveal much about him that is dissonant with the evidence of the paintings themselves. True, there are shades of feeling and character in his "Study for a Portrait of a Seated Man" that are rarely encountered in his completed paintings, just as his "Standing Nude" of 1541 suggests a physical immediacy, a vibrancy of flesh and blood, that is nowhere to be found in his finished works. But most of the drawings at the Met, like "Justice Liberating Innocence," are, in their linear brilliance, fully of a piece with the masterpieces they presage.

Though it is regrettable that Bronzino's paintings will be shown later this year only in Florence, the quality of his drawings is usually so high as to make a visit to the Met compulsory for anyone who cherishes the Old Masters in any form. ♦

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B&A

Best Picture?

How the prize might fall to an allegory of Iraq.

BY JOHN PODHORETZ

The Hurt Locker appears to be on its way to an Academy Award for best picture on March 7. If it happens, this episodic account of a three-man squad tasked with disabling improvised explosive devices in 2004 Iraq will be the least financially successful film ever to win the Oscar (box-office gross: $12.6 million). And it will do so by besting *Avatar*, the most successful movie ever made ($691 million and counting). Back in September, nobody thought it had a whisper of a chance, and its fans only hoped it might hang on to score a hopeless Best Picture nomination to give it some help with DVD sales and rentals.

The Hurt Locker
Directed by Kathryn Bigelow

As it happens, *The Hurt Locker* is just out on DVD and available on-demand through most cable and satellite TV systems, so it is a fortuitous moment for it to be seeking votes from Academy members—and for the vast majority of moviegoers who missed it to catch up. What are the reasons for this obscure war movie's awards surge? First is the simple matter of its quality: *The Hurt Locker* has several sequences of staggering power and intensity. The movie shows, as none before it has, the variety of terrifying dangers facing American soldiers in the early phase of the Iraq war—a showdown with a possibly booby-trapped car on a Baghdad street, a sniper attack on the city's outskirts, the discovery of a spider-web-like bomb hidden in the sandy dirt covering a street, an insurgent locked in a suicide belt who has changed his mind.

The film's director, Kathryn Bigelow, and its writer, Mark Boal, make sure we never get comfortable, are never sure what might happen at any moment, and in doing so, create stretches of nearly unbearable tension. They aided themselves immeasurably by casting three unknown actors, led by the brilliantly stalwart Jeremy Renner, whose very obscurity means we can have no confidence they will survive for another minute. What Renner conveys, that few war movies have in the modern era, is the character of the *warrior*—the man for whom fighting for his country is a calling, a means of achieving glory, and a way of feeling charged and alive.

But while there are stretches in which *The Hurt Locker* really is amazing, it has no plot to speak of, and movies with no plot always begin to sputter at their midpoint. We are just counting down the days until our squad gets to go home, during which time we are left only to wonder whether these men and the people they encounter are going to live or die. And oddly enough, that is not enough drama, even for a war movie. The futility of the squad's efforts renders *The Hurt Locker* oddly inert.

In an effort to create something like a storyline, the movie bothers itself with the fate of a kid who sells DVDs to American soldiers who becomes an obsession of Renner's. But it's not clear why the kid obsesses him, and why he places his squadmates in danger attempting to find out his fate—unless the kid is intended to serve as a metaphor for everything the United States got wrong in Iraq. And if that is the case, he is one overused symbol, as he serves to represent the nonexistent WMD, the wrecked city, the shadowy Sunnis, the conniving Shiites, the whereabouts of Saddam Hussein, and God knows what else. This turns Renner's character into a metaphor for America, and *The Hurt Locker* into a gigantic allegory—and like all allegories, is reductive in ways that tax everyone's patience.

But it is precisely this unsatisfying quality that has set *The Hurt Locker* on its path to the Kodak Theater in Los Angeles. The movie succeeds where no Iraq film has before it because its inscrutable purpose and unintelligible politics set it a bit outside the vicious debates about the war. By focusing on the overwhelming peril in which brave and resourceful American military personnel found themselves in the days before the surge, and the parlous circumstances under which they had to act, *The Hurt Locker* occupies the only patch of common ground there is about the war: Soldiers good.

Jeremy Renner, Anthony Mackie

SUMMIT ENTERTAINMENT

Will that be enough? There's some thought that *Inglourious Basterds*, Quentin Tarantino's crazily audacious rewriting of 20th century history, might sneak in between *The Hurt Locker* and *Avatar*—which has little chance of winning because actors, who make up the plurality of Academy voters, are unlikely to celebrate the film that bids fair to destroy their livelihoods. World War II retold with a happier ending, or the Iraq war retold without meaning: a perfect snapshot of what constitutes prestige in Hollywood circa 2010. ♦

John Podhoretz, editor of Commentary, *is* THE WEEKLY STANDARD*'s movie critic.*

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"The row over Gordon Brown's 'volcanic temper' took an extraordinary turn tonight as the head of an anti-bullying charity revealed a number of Gordon Brown's staff had contacted her organisation asking for advice."
—Daily Mail, *February 21, 2010*

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TELEPHONE LOG TRANSCRIPTION
20 FEBRUARY, 2010 (continued)

and apply the balm to the affected areas. You should be able sit normally in a week or two.

CALLER: Thanks, I'll give that a try. *[END CALL]*

NBH: National Bullying Helpline. How may I help you?

CALLER: Yes, I'm not quite sure how to put this. But this gentleman—let's call him P.M.—was so mad at me the other day that he shoved me into a closet and locked me in.

NBH: How did you manage to get out?

CALLER: I didn't. I'm still here. I guess I could have one of my assistants at the Bank of England free me, but I'm rather afraid P.M. will find me and put me back in or stick my head in the loo like he did the last time.

NBH: P.M. did that to you?

CALLER: Yes, but only because I asked to move our meeting back by 15 minutes. Perfectly understandable. Oh wait, I hear someone coming right now. Oh no, it's *[END CALL]*

NBH: National Bullying Helpline. How may I help you?

CALLER: Yes, the other day, Gordon—um, Mr. Brow—um, my boss told me that if his polling numbers did not improve, he'd not only hold me responsible but pull my knickers up around my ears and make me wear them like a hat all day.

NBH: How old are you?

CALLER: I'm 40.

NBH: And your boss threatened you with this?

CALLER: Well, it was more than a threat. For when I asked him to repeat himself, he said, "Why don't I show you, you tosser!"

NBH: And then what happened?

CALLER: He showed me. Frankly, I was rather amazed by the elasticity of these waistbands.

NBH: You shouldn't have to tolerate that. I would report him to your human resources department.

CALLER: Oh, and then he said, "If you report this to human resources, I swear I will dangle you by the [expletive] knickers and nothing else right outside 10 Downing Street."

NBH: Remember, he is probably using you to vent frustration at himself.

CALLER: Well, he must be very frustrated with himself. Um, I need to go. He's back in the office and … ouch! *[END CALL]*

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